THE ONE HUNDRED-FOURTEENTH DAY

CARSON CITY (Tuesday), May 25, 2021

Senate called to order at 12:04 p.m.

President Marshall presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Nick Emery.

Father God, thank You for this day. Thank You for each of these leaders. Take all that they have encountered throughout their lives and in this Legislative Session, blend it with every passion and sacred interest of the heart and use that for the good of our State, I pray. Thank You for giving us the mercy, grace and strength needed for each day. Thank You for these leaders, their staff and families and for the sacrifice of their time in service of our communities. Hold them now and renew them for their time away from their other works, their families and communities. We pray You would restore time lost. Bless them in unique and special ways for their service and sacrifice.

May they, this day, understand what they must accomplish and let go of what stands in the way. Give them the assurance needed for the pursuit of the right interests. Protect their time and safeguard their hearts. Fill their motives with purity and make straight their paths. Give them courage as they stay focused on what is right.

Hold, bless and encourage these women and men for answering this high calling of service. Bless our great State, we pray.

AMEN.

Pledge of Allegiance to the Flag.

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

REPORTS OF COMMITTEE

Madam President:

Your Committee on Finance, to which were referred Senate Bills Nos. 451, 456, 458, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS BROOKS, *Chair*

Madam President:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 121, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

Madam President:

Your Committee on Revenue and Economic Development, to which was referred Senate Bill No. 440, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DINA NEAL, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Denis moved that Senate Bill No. 27 be taken from the Secretary's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 416.

Bill read third time.

Remarks by Senator Brooks.

Senate Bill No. 416 appropriates General Fund totaling $515,509 to the Department of Taxation for the purchase of replacement information-technology hardware, software and printers as otherwise recommended in the Executive Budget for the 2021-2023 Biennium.

Roll call on Senate Bill No. 416:

YEAS—21.

NAYS—None.

Senate Bill No. 416 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 455.

Bill read third time.

Remarks by Senator Cannizzaro.

Senate Bill No. 455 expands the qualifications of persons who may perform computed tomography to include a person who is certified to practice in the area of nuclear medicine technology, radiation therapy or nuclear medicine and who has received training or credentialing approved by the Division of Public and Behavioral Health of DHHS. The bill expands the qualifications of persons who may perform fluoroscopy to include a person who is certified by the American Registry of Radiologic Technologists to practice radiography or has completed other appropriate training or holds another appropriate credential approved by the Division.

Roll call on Senate Bill No. 455:

YEAS—21.

NAYS—None.

Senate Bill No. 455 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 61.

Bill read third time.

Remarks by Senators Neal and Settelmeyer.

SENATOR NEAL:

Assembly Bill No. 61 makes various changes relating to deceptive trade practices. The measure provides that certain offenses relating to robocalling are a deceptive trade practice and increases the penalties for such offenses from a misdemeanor to a category E felony and a civil penalty of not more than $10,000 for each violation. It makes it a deceptive trade practice to sell, rent or offer to sell or rent certain goods and services during a state of emergency or declared disaster that has been in effect for 75 days or less for a price grossly in excess of the usual prices for that good or service and makes it an unfair trade practice to engage in any act or practice that takes advantage of a consumer to a grossly unfair degree. It also revises the criminal penalties imposed for engaging in a deceptive trade practice and establishes a tier of penalties based on the value of the property or service. It provides there is no limitation on the time in which a criminal prosecution involving a deceptive trade practice is required to be commenced by the Attorney General. However, a civil action against certain deceptive trade practices that occur during a state of emergency or declared disaster that has been in effect for 75 days or less must be commenced within the 4-year statute of limitations.

Finally, the measure authorizes the Consumers Advocate of the Bureau of Consumer Protection in the Office of the Attorney General to have access to all records in the possession of any agency, board or commission of this State that he or she determines are necessary to exercise his or her powers relating to consumer protection.

SENATOR SETTELMEYER:

I oppose Assembly Bill No. 61. In testimony, it came out that this would indicate you could only charge a certain percentage from the original beginning of a pandemic. In this pandemic, that would mean that as of a year ago, a price could not be increased by such a percentage regardless of the fact that the replacement cost of the good could be substantially higher than what you are being forced to sell it at now. We found that problematic and tried to work on an amendment but one did not come forward. This seems onerous. Laws are in effect at this point in time and that was admitted on the record, but no one has been prosecuted for deceptive trade practice or taking advantage of anyone under these. Giving them more does not seem it would change anything in that respect.

Roll call on Assembly Bill No. 61:

YEAS—12.

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

Assembly Bill No. 61 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 459.

Bill read third time.

Remarks by Senators Dondero Loop, Kieckhefer and Goicoechea.

SENATOR DONDERO LOOP:

Assembly Bill No. 459 moves the Office of Workforce Innovation from the Office of the Governor to DETR. It changes the name to the Governor's Office of Workforce Innovation and establishes the Executive Director of the Office of Workforce Innovation in the unclassified service of the State.

Assembly Bill No. 459 moves responsibility for apprenticeships, including the position of State Apprenticeship Director, from the Office of Workforce Innovation to the Office of the Labor Commissioner. The measure establishes that the Labor Commissioner, rather than the Governor, appoints the State Apprenticeship Director, and the Governor appoints voting members of the State Apprenticeship Council based on recommendations of the Labor Commissioner, rather than of the Executive Director of the Office of Workforce Innovation. The bill provides that the State Apprenticeship Director is in the unclassified service of the State.

Assembly Bill No. 459 amends Senate Bill No. 247 of this Session to reflect the Labor Commissioner's responsibility for apprenticeship programs.

SENATOR KIECKHEFER:

If this policy had not been already incorporated into the budget for the next biennium, I would be voting against this bill, but since it is, I will be supporting it, just for budget implementation purposes. I think this is, however, not the right time to be putting more on DETR's plate; they have plenty to deal with right now. Moving this office into a department that has such a high and demanding workload is not the right choice at this time.

SENATOR GOICOECHEA:

I voted against this bill coming out of Finance. It is a budget implementation bill, but I continue to oppose it. The DETR has a full plate and does not need anymore.

Roll call on Assembly Bill No. 459:

YEAS—15.

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

Assembly Bill No. 459 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 463.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 463 provides that any remaining balance of the $5 million appropriation made by section 2.3 of chapter 455, NRS 2019, Senate Bill 208 of the 2019 Session, and allocated to the State Department of Conservation and Natural Resources for wildfire prevention, restoration and long-term planning must not be committed for expenditure after June 30, 2025, and must be reverted to the State General Fund on or before September 19, 2025.

Assembly Bill No. 463 appropriates $2.4 million from the State General Fund to the Department as a supplemental appropriation for an unanticipated shortfall in the Forest Fire Suppression budget account for fire suppression costs in Fiscal Year 2021.

Roll call on Assembly Bill No. 463:

YEAS—21.

NAYS—None.

Assembly Bill No. 463 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 471.

Bill read third time.

Remarks by Senator Seevers Gansert.

Assembly Bill No. 471 establishes a fee of not more than 8 percent for the license registration or renewal application of a radiation or mammography machine, and certain health-care facilities and medical laboratories, to support the Division of Public and Behavioral Health in administering the reporting of information on cancer and other neoplasms. Assembly Bill No. 471 provides clarifying provisions on the respective data reporting requirements to the Division of Public and Behavioral Health. This is a budget implementation bill for the Division.

Roll call on Assembly Bill No. 471:

YEAS—21.

NAYS—None.

Assembly Bill No. 471 having received a two-thirds majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 479.

Bill read third time.

Remarks by Senator Kieckhefer.

Assembly Bill No. 479 creates the position of Chief Investment Officer as a member of the executive staff of the Public Employees' Retirement System and renames the existing position of Investment Officer as the Deputy Investment Officer.

Roll call on Assembly Bill No. 479:
YEAS—21.
NAYS—None.

Assembly Bill No. 479 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 481.

Bill read third time.

Remarks by Senator Hammond.

Assembly Bill No. 481 requires the Division of Child and Family Services of DHHS, to the extent money is available, to designate a Statewide center to provide assistance to victims. If a center to provide assistance to victims is designated, it must be located in a county with a population of at least 700,000, currently Clark County. To bill requires the center to provide certain support services to victims, assist the Division of Child and Family Services with expanding victims' services and provide certain training and technical assistance relating to critical incidents. Assembly Bill No. 481 creates the Victim Support Gift Account within the General Fund in which gifts, grants and donations for the benefit of the victim support center may be accepted.

Roll call on Assembly Bill No. 481:
YEAS—21.
NAYS—None.

Assembly Bill No. 481 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 27.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 680.

SUMMARY—Revises various provisions relating to education. (BDR 34-326)

AN ACT relating to education; authorizing the Superintendent of Public Instruction to investigate persons subject to his or her jurisdiction; ~~[creating the Account for Teacher Incentives and authorizing certain uses of money in the Account; repealing provisions which abolished the Teachers' School Supplies Assistance Account;]~~ revising the membership of the Commission on Professional Standards in Education; authorizing the State Board of Education to delegate authority to suspend or revoke a license to the Department of Education; revising provisions relating to the Teach Nevada Scholarship Program; revising provisions relating to the policy for parental involvement required by federal law; ~~[revising provisions relating to the Nevada Institute on Teaching and Educator Preparation;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes the Superintendent of Public Instruction the educational leader for the system of K-12 public education in Nevada and establishes

various duties of the Superintendent. (NRS 385.175) Existing law also authorizes the Superintendent to investigate certain persons involved with private elementary or secondary schools. (NRS 394.231) Section 1 of this bill additionally authorizes the Superintendent to investigate certain persons involved with public schools.

~~[The Nevada Legislature has appropriated money in previous sessions for the payment of incentives for teachers who agree to teach in certain kinds of public schools in certain circumstances. (Sections 29 and 30 of Senate Bill No. 555, chapter 376, Statutes of Nevada 2019, at pages 2384-85; section 1 of Assembly Bill No. 196, chapter 488, Statutes of Nevada 2019, at page 2895) Section 4 of this bill creates the Account for Teacher Incentives to receive such appropriations and authorizes the use of money in the Account to pay such incentives.~~

~~Existing law establishes the Teachers' School Supplies Assistance Account and authorizes the money in the Account to be used to reimburse a teacher for out-of-pocket expenses incurred for necessary school supplies for the pupils instructed by the teacher or to purchase such necessary school supplies directly in certain other ways. (NRS 387.1253-387.1257) Section 6 of this bill authorizes the Department of Education to require a school district or charter school that receives money from the Account to annually account for the money. Section 7 of this bill prohibits a school administrator from prohibiting or requiring a teacher to purchase certain supplies for the pupils the teacher instructs. Existing law prospectively abolishes the Account on July 1, 2021, which has the effect of eliminating, as of July 1, 2021, the program that allows for a teacher to be reimbursed for out-of-pocket expenses incurred for necessary school supplies for pupils instructed by the teacher. (Section 80 of Senate Bill No. 543, chapter 624, Statutes of Nevada 2019, at page 4253) Section 21 of this bill removes the prospective abolition of the Account, thereby allowing the program for reimbursement of teacher expenses to continue on and after July 1, 2021.]~~

Existing law establishes the membership of the Commission on Professional Standards in Education, which is required to prescribe qualifications for the licensing of teachers, administrators and other educational personnel. Existing law requires the membership of the Commission to include the dean of the College of Education of one of the universities in the Nevada System of Higher Education or such a dean's representative. (NRS 391.011, 391.019) Section 8 of this bill additionally authorizes the Governor to appoint to this seat on the Commission the dean of the College or School of Education, as applicable, of one of the colleges in the Nevada System of Higher Education or such a dean's representative.

Existing law requires every applicant to be licensed as a teacher or other educational personnel to submit to a background investigation and requires a license to be issued if the information obtained as a result of the background investigation does not indicate that the applicant has committed certain types of conduct. Existing law additionally requires the Department to maintain and

share certain information obtained as a result of such an investigation with the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the administrator of a private school in certain circumstances. (NRS 391.033) Section 12.5 of this bill eliminates the requirement for the Department to maintain and share such information.

Existing law authorizes the State Board of Education to suspend or revoke the license of any teacher for any cause specified by law. (NRS 391.320) Section 14 of this bill authorizes the State Board to delegate authority to suspend or revoke the license of a teacher to the Department of Education for certain causes specified by the State Board by regulation. If the State Board delegates such authority to the Department, section 14 requires the Department to: (1) publish on its Internet website a list of the causes for which it has been delegated authority to impose discipline; (2) send written notice to a licensee before imposing discipline; and (3) forward any request for a hearing resulting from discipline imposed by the Department to the Superintendent of Public Instruction to carry out the hearing. Section 13 of this bill makes a conforming change relating to the ability of the Department to impose discipline when delegated such authority. Sections 15 and 16 of this bill make conforming changes to the disciplinary hearing process relating to the ability of the Department to impose discipline when delegated such authority.

Existing law establishes the Teach Nevada Scholarship Program, which allows public or private universities, colleges and other providers of alternative licensure programs in Nevada to apply for a grant to award scholarships to certain students who, upon completion of their program of study, will become licensed to teach in Nevada and obtain an endorsement to teach English as a second language or special education. (NRS 391A.550-391A.590) Section 17 of this bill removes the requirement for a university, college or other provider offering an approved program to be located in Nevada and transfers responsibility to approve such programs from the State Board of Education to the Commission on Professional Standards in Education. Section 17 also removes the requirement for a student receiving the scholarship to agree to complete the requirements to obtain an endorsement to teach English as a second language or special education. Existing law authorizes the State Board to prioritize the awarding of grants to a university, college or other provider of an alternative licensure program that will provide a greater number of scholarships to certain groups, including, without limitation, veterans or their spouses or recipients who will be eligible to teach in subject areas for which a shortage of teachers exist. (NRS 391A.580) Section 17 adds recipients who agree to complete the requirements to obtain an endorsement to teach special education as an additional such group. If a recipient fails to complete the program for which a scholarship was awarded, existing law requires the university, college or other provider to repay any money received but not yet disbursed and up to $1,000 of any amount already disbursed to the recipient. If a recipient completes the program, the State Board is required to pay the

university, college or other provider $1,000. (NRS 391A.590) Section 18 of this bill eliminates both: (1) the requirement for a university, college or other provider to repay up to $1,000 of any amount already disbursed to a recipient who fails to complete a program; and (2) the requirement for the State Board to pay $1,000 to a university, college or other provider if a recipient completes a program.

As a condition for the receipt of certain federal education funding, existing federal law requires each local educational agency to create a written policy for parent and family engagement that includes a variety of provisions. (20 U.S.C. § 6318) Existing law carries out this federal requirement by requiring the Department of Education to prescribe a form for educational involvement accords to be used by all public schools in this State and establishing the contents of the accords. (NRS 392.4575) Section 19 of this bill replaces the requirement for the Department to adopt such a form with a requirement for each public school to create a school-family compact that complies with the requirements of federal law and any guidelines issued by the Department. Section 19 also authorizes the Department to review school-family compacts for compliance.

~~[Existing law authorizes a college or university within the Nevada System of Higher Education to apply to the State Board of Education for a grant of money to establish the Nevada Institute on Teaching and Educator Preparation, which is required to perform certain duties to increase the number of highly qualified, licensed teachers in Nevada. (NRS 396.5185) Section 20 of this bill requires any money appropriated to the Institute to: (1) be accounted for separately; (2) not revert to the State General Fund at the end of any fiscal year; and (3) be carried forward to the next fiscal year.]~~

Existing law requires the Department to prescribe a form for teachers in elementary schools to provide reports to parents and legal guardians of pupils including a variety of information, including, without limitation, a checklist regarding the timely completion of homework assignments by a pupil and a list of resources available within the community to assist parents and legal guardians in addressing issues identified on the checklist. (NRS 392.456) Section 22 of this bill repeals this requirement.

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

Section 1. NRS 385.175 is hereby amended to read as follows:

385.175 The Superintendent of Public Instruction is the educational leader for the system of K-12 public education in this State. The Superintendent of Public Instruction *:* ~~[shall:]~~

1. *Shall:*

(a) Execute, direct or supervise all administrative, technical and procedural activities of the Department in accordance with policies prescribed by the State Board.

~~[2.]~~ *(b)* Employ personnel for the positions approved by the State Board and necessary for the efficient operation of the Department.

~~[3.]~~ *(c)* Organize the Department in a manner which will assure efficient operation and service.

~~[4.]~~ *(d)* Maintain liaison and coordinate activities with other state agencies performing educational functions.

~~[5.]~~ *(e)* Enforce the observance of this title and all other statutes and regulations governing K-12 public education.

~~[6.]~~ *(f)* Request a plan of corrective action from the board of trustees of a school district or the governing body of a charter school if the Superintendent of Public Instruction determines that the school district or charter school, or any other entity which provides education to a pupil with a disability for a school district or charter school, has not complied with a requirement of this title or any other statute or regulation governing K-12 public education. The plan of corrective action must provide a timeline approved by the Superintendent of Public Instruction for compliance with the statute or regulation.

~~[7.]~~ *(g)* Report to the State Board on a regular basis the data on the discipline of pupils and trends in the data on the discipline of pupils collected pursuant to NRS 385A.840.

~~[8.]~~ *(h)* Perform such other duties as are prescribed by law.

2. May investigate, on the Superintendent's own initiative or in response to any complaint lodged with the Superintendent, any person licensed pursuant to chapter 391 of NRS subject to, or reasonably believed by the Superintendent to be subject to, his or her jurisdiction, and in connection with an investigation:

(a) Subpoena any persons, books, records or documents pertaining to the investigation.

(b) Require answers in writing under oath to questions propounded by the Superintendent.

(c) Administer an oath or affirmation to any person.

(d) Request from any other department, division, board, bureau, commission or other agency of the State, and the latter agency shall provide, any information which it possesses that may be relevant to an investigation pursuant to this subsection.

(e) Delegate authority to perform the investigative functions listed in this subsection to qualified personnel of the Department.

➥ *A subpoena issued by the Superintendent may be enforced by any district court of this State.*

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. ~~[Chapter 387 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The Account for Teacher Incentives is hereby created in the State General Fund, to be administered by the Superintendent of Public Instruction. The Superintendent of Public Instruction may accept gifts and grants of money from any source for deposit in the Account. Any money from gifts and grants*~~

~~*may be expended in accordance with the terms and conditions of the gift or grant, or in accordance with subsection 2. The interest and income earned on the sum of:*~~

~~*(a) The money in the Account; and*~~

~~*(b) Unexpended appropriations made to the Account from the State General Fund,*~~

~~*" must be credited to the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.*~~

~~*2. The money in the Account may only be used for the purposes specified in subsection 3 or for any other purpose, as authorized by the Legislature.*~~

~~*3. The money in the Account may be distributed by the Superintendent of Public Instruction to the school districts in this State to provide incentive payments to:*~~

~~*(a) Teachers who are newly hired to teach in a school which is not a Title I school, as defined in NRS 385A.040, or a school designated as underperforming pursuant to the statewide system of accountability for public schools;*~~

~~*(b) Teachers who are currently employed to teach at a public school in Nevada that is not a Title I school or a school designated as underperforming pursuant to the statewide system of accountability for public schools and who transfer to teach at a Title I school or a school with that designation; and*~~

~~*(c) Teachers who were employed to teach at a public school in Nevada that was a Title I school or a school designated as underperforming pursuant to the statewide system of accountability for public schools during the immediately preceding school year and who remain employed at a Title I school or school with that designation during the succeeding school year.*~~

~~*4. A teacher who receives an incentive payment specified in paragraph (b) or (c) of subsection 3 during a school year remains eligible to receive such an incentive payment during subsequent school years.*~~

~~*5. The board of trustees of each school district and the governing body of each charter school shall establish a special revenue fund and direct that the money it receives pursuant to this section be deposited in that fund. Money in the special revenue fund must not be commingled with money from other sources and may be used solely to pay incentive payments to teachers pursuant to this section and any regulations adopted pursuant thereto.*~~

~~*6. The State Board shall adopt any regulations necessary to carry out the provisions of this section.]*~~ (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. ~~[NRS 387.1255 is hereby amended to read as follows:~~

~~387.1255 1. On or before September 1 of each year, the Department shall determine the amount of money that is available in the Teachers' School Supplies Assistance Account created by NRS 387.1253 for distribution among all of the school districts and charter schools in this State for that fiscal year. Any such distribution must be provided to each school district and charter~~

~~school based on the number of teachers employed by the school district or charter school, as applicable. To the extent that money is available, the Department shall establish the amount of disbursement or reimbursement for each teacher which must not exceed $250 per fiscal year.~~

~~2. The board of trustees of each school district and the governing body of each charter school shall establish a special revenue fund and direct that the money it receives pursuant to subsection 1 be deposited in that fund. Money in the special revenue fund must not be commingled with money from other sources. The board of trustees or the governing body, as applicable, shall disburse money in the special revenue fund to teachers in accordance with NRS 387.1257.~~

~~3. The money in the special revenue fund must be used only to:~~

~~(a) Pay for a purchase of necessary school supplies for the pupils instructed by a teacher using a purchasing card or debit card issued for this purpose to the teacher by a school;~~

~~(b) Pay the balance owed on a credit card issued to a teacher by a school to pay for a purchase of necessary school supplies for the pupils the teacher instructs;~~

~~(c) Deposit money directly into the account of a teacher maintained at a financial institution to pay for a purchase of necessary school supplies for the pupils the teacher instructs;~~

~~(d) Provide a check written to a teacher to pay for a purchase of necessary school supplies for the pupils the teacher instructs; or~~

~~(e) Reimburse teachers for out-of-pocket expenses incurred in connection with purchasing necessary school supplies for the pupils they instruct.~~

~~4. If there is money remaining in the special revenue fund because one or more teachers at the school did not use the amount established for his or her disbursement or reimbursement pursuant to subsection 1, the board of trustees of a school district or the governing body of a charter school, as applicable, shall allow a teacher who has used the entire amount of his or her disbursement or reimbursement pursuant to subsection 1 to request an additional disbursement or reimbursement from the special revenue fund. The combined total amount of a disbursement or reimbursement and an additional disbursement or reimbursement for each teacher must not exceed $250 per fiscal year.~~

~~5. The board of trustees or governing body of a charter school, as applicable, shall not use money in the special revenue fund to pay any administrative costs.~~

~~6. Any money remaining in the special revenue fund at the end of a fiscal year reverts to the Teachers' School Supplies Assistance Account.~~

~~*7. The Department may require each school district or charter school that receives money pursuant to subsection 1 to account for all such money annually.]*~~ (Deleted by amendment.)

Sec. 7. ~~[NRS 387.1257 is hereby amended to read as follows:~~

~~"387.1257 1. The board of trustees of each school district and the governing body of each charter school that receives money pursuant to subsection 1 of NRS 387.1255 shall determine the manner in which to distribute the money to teachers in the school district or charter school, as applicable, including, without limitation, whether to authorize a school to allow teachers to use a credit card, purchasing card or debit card connected to the special revenue fund issued to the teacher by the school to directly purchase school supplies, require a teacher to submit a request for a claim for reimbursement for out-of-pocket expenses from the special revenue fund established pursuant to NRS 387.1255 or authorize any other manner of providing money to a teacher described in subsection 3 of NRS 387.1255 to pay for school supplies for the pupils the teacher instructs.~~

~~2. To the extent that money is available in the special revenue fund, the board of trustees or governing body, as applicable, may reimburse a teacher, or the teacher may use, up to the maximum amount determined by the Department for each teacher pursuant to NRS 387.1255 for the fiscal year.~~

~~3. If the board of trustees of a school district or the governing body of a charter school, as applicable, requires a teacher to submit a claim for reimbursement for out-of-pocket expenses to receive money from the special revenue fund, the teacher must submit such a claim no later than 2 weeks after the last day of the school year.~~

~~4. The board of trustees of a school district may enter into an agreement with the recognized employee organization representing licensed educational personnel within the school district for the purpose of obtaining assistance of the employee organization in administering the reimbursement of teachers pursuant to this section.~~

~~5. A teacher who receives money pursuant to subsection 1 to directly purchase school supplies shall repay to the special revenue fund established pursuant to NRS 387.1255 by not later than the last day of the fiscal year in which the money was received:~~

~~(a) Any amount that was not used;~~

~~(b) Any amount that was used to purchase something other than school supplies; and~~

~~(c) Any amount that exceeds the maximum amount authorized pursuant to NRS 387.1255 in any fiscal year.~~

~~*6. A teacher who uses or receives money or submits a claim for reimbursement for out-of-pocket expenses pursuant to subsection 1 may purchase any supplies for the pupils the teacher instructs that the teacher deems appropriate which satisfy the requirements of NRS 387.1251 to 387.1257, inclusive. A principal or other school administrator shall not prohibit a teacher from purchasing any supplies which satisfy the requirements of NRS 387.1251 to 387.1257, inclusive, or require a teacher to purchase any such supplies.*~~

~~7. The board of trustees of each school district and the governing body of each charter school shall adopt a policy that establishes the manner in which to account for reimbursements or disbursements of money [.] , as applicable, through each form of payment authorized for use by the board of trustees or the governing body, as applicable. The policy may include, without limitation, a requirement to submit receipts for any purchase of supplies with money received pursuant to subsection 1.~~ (Deleted by amendment.)

Sec. 8. NRS 391.011 is hereby amended to read as follows:

391.011 1. The Commission on Professional Standards in Education, consisting of eleven members appointed by the Governor, is hereby created.

2. Five members of the Commission must be teachers who teach in the classroom as follows:

(a) One who holds a license to teach secondary education and teaches in a secondary school.

(b) One who holds a license to teach middle school or junior high school education and teaches in a middle school or junior high school.

(c) One who holds a license to teach elementary education and teaches in an elementary school.

(d) One who holds a license to teach special education and teaches special education.

(e) One who holds a license to teach pupils in a program of early childhood education and teaches in a program of early childhood education.

3. The remaining members of the Commission must include:

(a) One school counselor, psychologist, speech-language pathologist, audiologist, or social worker who is licensed pursuant to this chapter and employed by a school district or charter school.

(b) One administrator of a school who is employed by a school district or charter school to provide administrative service at an individual school. Such an administrator must not provide service at the district level.

(c) The dean of the College *or School* of Education *, as applicable,* at one of the universities *or colleges* in the Nevada System of Higher Education, or a representative of one of the Colleges *or Schools* of Education *, as applicable,* nominated by such a dean for appointment by the Governor.

(d) One member who is the parent or legal guardian of a pupil enrolled in a public school.

(e) One member who has expertise and experience in the operation of a business.

(f) One member who is the superintendent of schools of a school district.

4. Three of the five appointments made pursuant to subsection 2 must be made from a list of names of at least three persons for each position that is submitted to the Governor by an employee organization representing the majority of teachers in the State who teach in the educational level from which the appointment is being made.

5. The appointment made pursuant to:

(a) Paragraph (a) of subsection 3 must be made from a list of names of at least three persons that is submitted to the Governor by an employee organization representing the majority of school counselors, psychologists, speech-language pathologists, audiologists or social workers in this State who are not administrators.

(b) Paragraph (b) of subsection 3 must be made from a list of names of at least three persons that is submitted to the Governor by the organization of administrators for schools in which the majority of administrators of schools in this State have membership.

(c) Paragraph (d) of subsection 3 must be made from a list of names of persons submitted to the Governor by the Nevada Parent Teacher Association or its successor organization.

(d) Paragraph (f) of subsection 3 must be made from a list of names of persons submitted to the Governor by the Nevada Association of School Superintendents.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 12.5. NRS 391.033 is hereby amended to read as follows:

391.033 1. All licenses for teachers and other educational personnel are granted by the Superintendent of Public Instruction pursuant to regulations adopted by the Commission and as otherwise provided by law.

2. An application for the issuance of a license must include the social security number of the applicant.

3. Every applicant for a license must submit with his or her application:

(a) A complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its initial report on the criminal history of the applicant and for reports thereafter upon renewal of the license pursuant to subsection 8 of NRS 179A.075, and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant; and

(b) Written authorization for the Superintendent to obtain any information concerning the applicant that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant has resided within the immediately preceding 5 years.

4. In conducting an investigation into the background of an applicant for a license, the Superintendent may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant.

5. The Superintendent may issue a provisional license pending receipt of the reports of the Federal Bureau of Investigation and the Central Repository

for Nevada Records of Criminal History if the Superintendent determines that the applicant is otherwise qualified.

6. Except as otherwise provided in subsection 8, a license must be issued to, or renewed for, as applicable, an applicant if:

(a) The Superintendent determines that the applicant is qualified;

(b) The information obtained by the Superintendent pursuant to subsections 3 and 4:

(1) Does not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude or indicates that the applicant has been convicted of a felony or an offense involving moral turpitude but the Superintendent determines that the conviction is unrelated to the position within the county school district or charter school for which the applicant applied or for which he or she is currently employed, as applicable;

(2) Does not indicate that there has been a substantiated report of abuse or neglect of a child, as defined in NRS 432B.020, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 made against the applicant in any state; and

(3) Does not indicate that the applicant has a warrant for his or her arrest; and

(c) For initial licensure, the applicant submits the statement required pursuant to NRS 391.034.

7. If, pursuant to subparagraph (2) of paragraph (b) of subsection 6, the information indicates that a substantiated report has been made against the applicant in any state, the Superintendent shall:

(a) Suspend the application process;

(b) Notify the applicant of the substantiated report; and

(c) Provide the applicant an opportunity to rebut the substantiated report.

8. The Superintendent may deny an application for a license pursuant to this section if:

(a) A report on the criminal history of the applicant from the Federal Bureau of Investigation or the Central Repository for Nevada Records of Criminal History indicates that the applicant has been arrested for or charged with a sexual offense involving a minor or pupil, including, without limitation, any attempt, solicitation or conspiracy to commit such an offense; and

(b) The Superintendent provides to the applicant:

(1) Written notice of his or her intent to deny the application; and

(2) An opportunity for the applicant to have a hearing.

9. To request a hearing pursuant to subsection 8, an applicant must submit a written request to the Superintendent within 15 days after receipt of the notice by the applicant. Such a hearing must be conducted in accordance with regulations adopted by the State Board. If no request for a hearing is filed within that time, the Superintendent may deny the license.

10. If the Superintendent denies an application for a license pursuant to this section, the Superintendent must, within 15 days after the date on which the application is denied, provide notice of the denial to the school district or

charter school that employs the applicant if the applicant is employed by a school district or charter school. Such a notice must not state the reasons for denial.

11. ~~[The Department shall:~~

~~(a) Maintain a list of the names of persons whose applications for a license are denied due to conviction of a sexual offense involving a minor;~~

~~(b) Update the list maintained pursuant to paragraph (a) monthly; and~~

~~(c) Provide this list to the board of trustees of a school district or the governing body of a charter school upon request.~~

~~12. The Superintendent shall forward all information obtained from an investigation of an applicant pursuant to subsections 3 and 4 to the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the administrator of a private school where the applicant is employed or seeking employment. Except as otherwise provided in this section, any information shared with the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the administrator of a private school is confidential and must not be disclosed to any person other than the applicant. The board of trustees, governing body or administrator, as applicable, may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:~~

~~(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and~~

~~(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.~~

~~13.]~~ The Superintendent ~~[, the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the administrator of a private school]~~ may not be held liable for damages resulting from any action of the Superintendent ~~[, board of trustees, governing body or administrator, as applicable,]~~ authorized by subsection 4 ~~[or 12.~~

~~14.]~~ *12.* The Superintendent may enter into reciprocal agreements with appropriate officials of other countries concerning the licensing of teachers.

~~[15.]~~ *13.* As used in this section, "sexual offense" has the meaning ascribed to it in NRS 179D.097.

Sec. 13. NRS 391.3015 is hereby amended to read as follows:

391.3015 1. Except as otherwise provided by subsection 3, if the license of an employee lapses during a time that school is in session:

(a) The school district that employs him or her shall provide written notice to the employee of the lapse of the employee's license and of the provisions of this section;

(b) The employee must not be suspended from employment for the lapsed license for a period of 90 days after the date of the notice pursuant to paragraph (a) or the end of the school year, whichever is longer; and

(c) The employee's license shall be deemed valid for the period described in paragraph (b) for purposes of the employee's continued employment with the school district during that period.

2. If a school district complies with subsection 1 and an employee fails to reinstate his or her license within the time prescribed in paragraph (b) of subsection 1, his or her employment shall be deemed terminated at the end of the period described in paragraph (b) of subsection 1 and the school district is not otherwise required to comply with NRS 391.301 to 391.309, inclusive.

3. The provisions of this section do not apply to an employee whose:

(a) License has been suspended or revoked by the State Board *or the Department* pursuant to NRS 391.320 to 391.361, inclusive; or

(b) Application for renewal was denied by the Superintendent of Public Instruction pursuant to NRS 391.033.

Sec. 14. NRS 391.320 is hereby amended to read as follows:

391.320 *1.* The State Board of Education may ~~[suspend]~~ *:*

(a) Suspend or revoke the license of any teacher for any cause specified by law ~~[.]~~ *; and*

(b) Delegate authority to the Department to suspend or revoke the license of any teacher for any cause specified by the State Board by regulation pursuant to subsection 2.

2. If the State Board delegates authority to the Department pursuant to subsection 1:

(a) The State Board, by regulation, shall specify the causes for which authority to suspend or revoke the license of a teacher is delegated to the Department; and

(b) The Department shall:

(1) Publish on its Internet website a list of the causes for which the State Board has delegated authority to suspend or revoke the license of a teacher pursuant to paragraph (a);

(2) Send written notice to a licensee pursuant to NRS 391.322 before taking any action to suspend or revoke a license; and

(3) If the licensee requests a hearing pursuant to subsection 3 of NRS 391.322, forward the request to the Superintendent of Public Instruction to carry out a hearing pursuant to NRS 391.320 to 391.361, inclusive.

Sec. 15. NRS 391.322 is hereby amended to read as follows:

391.322 1. If the board of trustees of a school district, the governing body of a charter school or the Superintendent of Public Instruction or the Superintendent's designee submits a recommendation to the State Board for the suspension or revocation of a license issued pursuant to this chapter, the State Board shall send written notice of the recommendation to the person to whom the license has been issued at the address on file with the Department. *If the State Board delegates authority to the Department to suspend or revoke*

a license pursuant to NRS 391.320, the Department shall send written notice of intent to suspend or revoke a license to the person to whom the license has been issued at the address on file with the Department.

2. A notice given pursuant to subsection 1 must contain:

(a) A statement of the charge upon which the recommendation *or intent* is based;

(b) A copy of the recommendation received by the State Board ~~[.]~~ *, if applicable;*

(c) A statement that the licensee is entitled to a hearing before a hearing officer if the licensee makes a written request for the hearing as provided by subsection 3; and

(d) A statement that the grounds and procedure for the suspension or revocation of a license are set forth in NRS 391.320 to 391.361, inclusive.

3. A licensee to whom notice has been given pursuant to this section may request a hearing before a hearing officer selected pursuant to subsection 4. Such a request must be in writing and must be filed with the Superintendent of Public Instruction *, if notice was sent pursuant to subsection 1 by the State Board, or with the Department, if notice was sent pursuant to subsection 1 by the Department,* within 15 days after receipt of the notice by the licensee.

4. Upon receipt of a request filed pursuant to subsection 3, the Superintendent of Public Instruction shall request from the Hearings Division of the Department of Administration a list of potential hearing officers. The licensee requesting a hearing and the Superintendent of Public Instruction shall select a person to serve as hearing officer from the list provided by the Hearings Division of the Department of Administration by alternately striking one name until the name of only one hearing officer remains. The Superintendent of Public Instruction shall strike the first name.

5. Except as otherwise provided in subsection 6, if no request for a hearing is filed within the time specified in subsection 3, the State Board *or the Department, as applicable,* may suspend or revoke the license or take no action on the recommendation.

6. If the Department receives notice of a conviction of a licensee and the conviction is for an act which is a ground for the suspension or revocation of a license ~~[.]~~ *and the State Board has not delegated authority pursuant to NRS 391.320 to the Department to suspend or revoke a license for such a cause,* the State Board shall immediately process the recommendation in accordance with the provisions of NRS 391.320 to 391.361, inclusive. If no request for a hearing is filed within the time specified in subsection 3, the State Board may accept, reject or modify the recommendation.

Sec. 16. NRS 391.355 is hereby amended to read as follows:

391.355 1. The State Board shall adopt rules of procedure for the conduct of hearings conducted pursuant to NRS 391.323.

2. The rules of procedure must provide for boards of trustees of school districts, governing bodies of charter schools or the Superintendent of Public Instruction or *an employee of the Department designated by* the

~~[Superintendent's designee]~~ *Superintendent* to bring charges, when cause exists.

3. The rules of procedure must provide that:

(a) The licensed employee, board of trustees of a school district, governing body of a charter school and Superintendent are entitled to be heard, to be represented by an attorney and to call witnesses in their behalf.

(b) The hearing officer selected pursuant to NRS 391.322 is entitled to be reimbursed for his or her reasonable actual expenses.

(c) If requested by the hearing officer selected pursuant to NRS 391.322, an official transcript must be made.

(d) Except as otherwise provided in paragraph (e), the State Board, licensed employee and the Department, board of trustees of a school district or governing body of a charter school which initiated the complaint resulting in the hearing are equally responsible for the expense of and compensation for the hearing officer selected pursuant to NRS 391.322 and the expense of the official transcript. The State Board may bill the licensed employee or the Department, board of trustees of a school district or governing body of a charter school which initiated the complaint resulting in the hearing for their percentage of any expenses incurred pursuant to this paragraph.

(e) If the hearing results from a recommendation to revoke or suspend a license based upon a conviction which is a ground for the suspension or revocation of a license pursuant to paragraph (e) or (f) of subsection 1 of NRS 391.330, the licensed employee is fully responsible for the expense of and compensation for the hearing officer selected pursuant to NRS 391.322 and the expense of the official transcript. The State Board may bill the licensed employee for such expenses.

4. A hearing officer selected pursuant to NRS 391.322 shall, upon the request of a party, issue subpoenas to compel the attendance of witnesses and the production of books, records, documents or other pertinent information to be used as evidence in hearings conducted pursuant to NRS 391.323.

Sec. 17. NRS 391A.580 is hereby amended to read as follows:

391A.580 1. A public or private university, college or other provider of an alternative licensure program ~~[in this State]~~ is eligible to apply to the State Board for a grant from the Account to award scholarships to students who attend the university, college or other provider of an alternative licensure program to complete a program offered by the university, college or other provider of an alternative licensure program that has been approved by the ~~[State Board]~~ *Commission on Professional Standards in Education* and which:

(a) Upon completion makes a student eligible to obtain a license to teach kindergarten, any grade from grades 1 through 12 or in the subject area of special education in this State; or

(b) Allows a student to specialize in the subject area of early childhood education.

2. The State Board shall:

(a) Establish the number of Teach Nevada Scholarships that will be available each year based upon the amount of money available in the Account.

(b) Review all applications submitted pursuant to subsection 1 and award a grant of money from the Account to ~~[an approved]~~ *a* university, college or other provider of an alternative licensure program *offering a program described in subsection 1* to the extent that money is available in an amount determined by the State Board. The State Board shall retain 25 percent of such an award in the Account for disbursement to a scholarship recipient who meets the requirements of subsection 4 of NRS 391A.585.

3. The State Board may prioritize the award of grants from the Account to a university, college or other provider of an alternative licensure program that demonstrates the university, college or other provider of an alternative licensure program will provide scholarships to a greater number of recipients who:

(a) Are veterans or the spouses of veterans;

(b) Intend to teach in public schools in this State which have the highest shortage of teachers;

(c) Have been economically disadvantaged or belong to a racial or ethnic minority group; ~~[or]~~

(d) *Agree to complete the requirements to obtain an endorsement to teach special education; or*

(e) Will be eligible to teach in a subject area for which there is a shortage of teachers. Such a subject area may include, without limitation, science, technology, engineering, mathematics, special education or English as a second language.

4. A student may apply for a Teach Nevada Scholarship from a university, college or other provider of an alternative licensure program that receives a grant from the Account only if ~~[:~~

~~(a) The]~~ *the* student attends or has been accepted to attend the university, college or other provider of an alternative licensure program to complete a program described in subsection 1 . ~~[; and~~

~~(b) The student agrees to complete the requirements to obtain an endorsement to teach English as a second language or an endorsement to teach special education.]~~

5. An application submitted by the student must identify the program to be completed and the date by which the student must complete the program to finish on schedule.

6. The State Board may adopt any regulations necessary to carry out the provisions of NRS 391A.550 to 391A.590, inclusive.

Sec. 18. NRS 391A.590 is hereby amended to read as follows:

391A.590 ~~[1.]~~ If a scholarship recipient does not complete the program for which the scholarship was awarded for any reason, including, without limitation, withdrawing from the university, college or other provider of an alternative licensure program or pursuing another course of study, the university, college or other provider of an alternative licensure program that

awarded the scholarship must pay to the State Board for credit to the Account ~~[~~:

~~(a) Any]~~ *any* amount of money that the university, college or other provider of an alternative licensure program has received but has not yet disbursed to the scholarship recipient pursuant to NRS 391A.585 . ~~[~~; and

~~(b) An amount of money equal to the total amount of money disbursed to the scholarship recipient pursuant to NRS 391A.585 or $1,000, whichever is less.~~

~~2. If a scholarship recipient completes the program for which the scholarship was awarded on schedule, as described in the application for the scholarship submitted pursuant to NRS 391A.580, to the extent that money is available for this purpose, the State Board shall pay $1,000 to the university, college or other provider of an alternative licensure program that awarded the scholarship. Any money received by a university, college or other provider of an alternative licensure program pursuant to this section must be used to pay costs associated with providing a program described in subsection 1 of NRS 391A.580.]~~

Sec. 19. NRS 392.4575 is hereby amended to read as follows:

392.4575 1. ~~[The Department shall prescribe a form for educational involvement accords to be used by all]~~ *Each* public ~~[schools]~~ *school* in this State ~~[.]~~ *shall create a school-family compact.* The ~~[educational involvement accord]~~ *school-family compact* must comply with *:* ~~[the policy:]~~

(a) ~~[For]~~ *The policy for* parental involvement required by the federal Every Student Succeeds Act of 2015, as set forth in 20 U.S.C. § 6318.

(b) ~~[For]~~ *The policy for* parental involvement and family engagement adopted by the State Board pursuant to NRS 392.457.

(c) Any guidance provided by the Department relating to the development of a school-family compact.

2. ~~[Each educational involvement accord must include, without limitation:~~

~~(a) A description of how the parent or legal guardian will be involved in the education of the pupil, including, without limitation:~~

~~(1) Reading to the pupil, as applicable for the grade or reading level of the pupil;~~

~~(2) Reviewing and checking the pupil's homework; and~~

~~(3) Contributing 5 hours of time each school year, including, without limitation, by attending school related activities, parent teacher association meetings, parent teacher conferences, volunteering at the school and chaperoning school sponsored activities.~~

~~(b) The responsibilities of a pupil in a public school, including, without limitation:~~

~~(1) Reading each day before or after school, as applicable for the grade or reading level of the pupil;~~

~~(2) Using all school equipment and property appropriately and safely;~~

~~(3) Following the directions of any adult member of the staff of the school;~~

~~(4) Completing and submitting homework in a timely manner; and~~

~~(5) Respecting himself or herself, others and all property.~~

~~(c) The responsibilities of a public school and the administrators, teachers and other personnel employed at a school, including, without limitation:~~

~~(1) Ensuring that each pupil is provided proper instruction, supervision and interaction;~~

~~(2) Maximizing the educational and social experience of each pupil;~~

~~(3) Carrying out the professional responsibility of educators to seek the best interest of each pupil; and~~

~~(4) Making staff available to the parents and legal guardians of pupils to discuss the concerns of parents and legal guardians regarding the pupils.~~

~~3.~~ Each ~~[educational involvement accord]~~ *school-family compact* must be accompanied by, without limitation:

(a) Information describing how the parent or legal guardian may contact the pupil's teacher and the principal of the school in which the pupil is enrolled;

(b) The curriculum of the course or standards for the grade in which the pupil is enrolled, as applicable, including, without limitation, a calendar that indicates the dates of major examinations and the due dates of significant projects, if those dates are known by the teacher at the time that the information is distributed;

(c) The homework and grading policies of the pupil's teacher or school;

(d) Directions for finding resource materials for the course or grade in which the pupil is enrolled, as applicable;

(e) Suggestions for parents and legal guardians to assist pupils in their schoolwork at home;

(f) The dates of scheduled conferences between teachers or administrators and the parents or legal guardians of the pupil;

(g) The manner in which reports of the pupil's progress will be delivered to the parent or legal guardian and how a parent or legal guardian may request a report of progress;

(h) The classroom rules and policies;

(i) The dress code of the school, if any;

(j) The availability of assistance to parents who have limited proficiency in the English language;

(k) Information describing the availability of free and reduced-price meals, including, without limitation, information regarding school breakfast, school lunch and summer meal programs;

(l) Opportunities for parents and legal guardians to become involved in the education of their children and to volunteer for the school or class; and

(m) The code of honor relating to cheating prescribed pursuant to NRS 392.461.

~~[4.]~~ *3.* The board of trustees of each school district *and the governing body of each charter school* shall adopt a policy providing for the development and distribution of the ~~[educational involvement accord.]~~ *school-family*

compact. The policy adopted by a board of trustees *or governing body* must require each classroom teacher to:

(a) Distribute the ~~[educational involvement accord]~~ *school-family compact* to the parent or legal guardian of each pupil in the teacher's class at the beginning of each school year or upon a pupil's enrollment in the class, as applicable; and

(b) Provide the parent or legal guardian with a reasonable opportunity to sign the ~~[educational involvement accord.~~

~~5. Except as otherwise provided in this subsection, the board of trustees of each school district shall ensure that the form prescribed by the Department is used for the educational involvement accord of each public school in the school district. The board of trustees of a school district may authorize the use of an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.~~

~~6.]~~ *school-family compact.*

4. The Department ~~[and the board of trustees of each school district shall, at least once each year, review and amend their respective educational involvement accords.]~~ *may, at its discretion, review the school-family compact in use by any public school in this State to ensure compliance with the provisions of this section.*

Sec. 20. ~~[NRS 396.5185 is hereby amended to read as follows:~~

~~396.5185 1. A college or university within the System is eligible to apply to the State Board for a grant of money to establish the Nevada Institute on Teaching and Educator Preparation.~~

~~2. The Nevada Institute on Teaching and Educator Preparation shall:~~

~~(a) Establish a highly selective program for the education and training of teachers that:~~

~~(1) Recruits promising students pursuing teaching degrees from inside and outside this State, with priority given to students from inside this State;~~

~~(2) Upon completion of the program, makes a student eligible to obtain a license to teach pupils in a program of early childhood education, kindergarten, any grade from grades 1 through 12 or in the subject area of special education in this State;~~

~~(3) Is thorough and rigorous and provides a student with increasing professional autonomy and responsibility;~~

~~(4) Allows a student to obtain experience in schools that serve high populations of pupils with disabilities or who are at risk or have other significant needs;~~

~~(5) Provides, in a manner that is aligned to the demographics of pupils in this State, the skills and knowledge necessary to teach the diverse population of pupils in this State;~~

~~(6) Identifies opportunities for placement of students who complete the program in public schools throughout this State; and~~

~~(7) Provides instruction concerning the most contemporary and effective pedagogies, curricula, technology and behavior management techniques for teaching;~~

~~(b) Identify a target number of students to be selected for participation in the program each year, which must be not less than 25 students;~~

~~(c) Establish requirements for each person who has completed the program to serve as a mentor to future students selected for the program and collaborate with the program to build a community among students participating in the program and persons who have completed the program;~~

~~(d) Conduct innovative and extensive research concerning approaches and methods used to educate and train teachers and to teach pupils, including, without limitation, pupils with disabilities or pupils who are at risk or have other significant needs; and~~

~~(e) Continually evaluate, develop and disseminate approaches to teaching that address the variety of settings in which pupils in this State are educated.~~

~~3. The Nevada Institute on Teaching and Educator Preparation may:~~

~~(a) Apply for and accept any gift, donation, bequest, grant or other source of money, or property or service provided in kind, for carrying out the duties of the Nevada Institute on Teaching and Educator Preparation; and~~

~~(b) Support a student who is participating in the program by allocating money to the student or reimbursing the student for the costs of obtaining a teaching degree or a license to teach pupils.~~

~~4. An application to establish the Nevada Institute on Teaching and Educator Preparation pursuant to subsection 1 must demonstrate the ability of the applicant to:~~

~~(a) Meet the requirements of subsection 2;~~

~~(b) Provide additional money for the establishment and operation of the Institute that matches the grant of money awarded by the State Board; and~~

~~(c) Sustain and expand the Institute over time.~~

~~*5. Any money appropriated to the Nevada Institute on Teaching and Educator Preparation to carry out the duties of the Institute must be accounted for separately in the State General Fund. The money in the account:*~~

~~*(a) Does not revert to the State General Fund at the end of any fiscal year; and*~~

~~*(b) Must be carried forward to the next fiscal year.*~~

~~6. As used in this section, "pupil 'at risk' " has the meaning ascribed to it in NRS 388A.045.]~~ (Deleted by amendment.)

Sec. 21. ~~[Section 80 of chapter 624, Statutes of Nevada 2019, at page 4253, is hereby amended to read as follows:~~

~~Sec. 80. NRS 387.122, 387.1245, 387.1247, 387.1251, 387.1253, 387.1255, 387.1257, 387.129, 387.131, 387.133, 387.137, 387.139, 387.163, 387.193, 387.197, 387.2065, 387.2067 and 387.207 are hereby repealed.]~~ (Deleted by amendment.)

Sec. 22. NRS 392.456 is hereby repealed.

Sec. 23. 1. This section and section ~~[21 of this act become effective on July 1, 2021.~~

~~2. Section]~~ 18 of this act ~~[becomes]~~ become effective on September 1, 2021.

~~[3.]~~ 2. Sections 1 to 17, inclusive, ~~[19, 20]~~ and ~~[22]~~ *19 to 22, inclusive,* of this act become effective on February 1, 2022.

TEXT OF REPEALED SECTION

392.456 Form for use in elementary schools concerning status of pupil and participation of parent; restrictions on use.

1. The Department shall:

(a) Prescribe a form for use by teachers in elementary schools to provide reports to parents and legal guardians of pupils pursuant to this section;

(b) Work in consultation with the Legislative Bureau of Educational Accountability and Program Evaluation, the Nevada Association of School Boards, the Nevada Association of School Administrators, the Nevada State Education Association and the Nevada Parent Teacher Association in the development of the form; and

(c) Make the form available in electronic format for use by school districts and charter schools and, upon request, in any other manner deemed reasonable by the Department.

2. The form must include, without limitation:

(a) A notice to parents and legal guardians that parental involvement is important in ensuring the success of the academic achievement of pupils;

(b) A checklist indicating whether:

(1) The pupil completes his or her homework assignments in a timely manner;

(2) The pupil is present in the classroom when school begins each day and is present for the entire school day unless the pupil's absence is approved in accordance with NRS 392.130;

(3) The parent or legal guardian and the pupil abide by any applicable rules and policies of the school and the school district; and

(4) The pupil complies with the dress code for the school, if applicable; and

(c) A list of the resources and services available within the community to assist parents and legal guardians in addressing any issues identified on the checklist.

3. In addition to the requirements of subsection 2, the Department may prescribe additional information for inclusion on the form, including, without limitation:

(a) A report of the participation of the parent or legal guardian, including, without limitation, whether the parent or legal guardian:

(1) Completes forms and other documents that are required by the school or school district in a timely manner;

(2) Assists in carrying out a plan to improve the pupil's academic achievement, if applicable;

(3) Attends conferences between the teacher and the parent or legal guardian, if applicable; and

(4) Attends school activities.

(b) A report of whether the parent or legal guardian ensures the health and safety of the pupil, including, without limitation, whether:

(1) Current information is on file with the school that designates each person whom the school should contact if an emergency involving the pupil occurs; and

(2) Current information is on file with the school regarding the health and safety of the pupil, such as immunization records, if applicable, and any special medical needs of the pupil.

4. A teacher at an elementary school may provide the form prescribed by the Department, including the additional information prescribed pursuant to subsection 3 if the Department has prescribed such information on the form, to a parent or legal guardian of a pupil if the teacher determines that the provision of such a report would assist in improving the academic achievement of the pupil.

5. A report provided to a parent or legal guardian pursuant to this section must not be used in a manner that:

(a) Interferes unreasonably with the personal privacy of the parent or legal guardian or the pupil;

(b) Reprimands the parent or legal guardian; or

(c) Affects the grade or report of progress given to a pupil based upon the information contained in the report.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 680 to Senate Bill No. 27 removes language that would have created the Account for Teacher Incentives in statute. The amendment eliminates existing language in statute relating to the Teachers' School Supplies Assistance Account and the Nevada Institute on Teaching and Educator Preparation. Lastly, in order to bring Nevada law into compliance with Public Law 92-544, the amendment eliminates language in existing law related to maintaining a list of names of people whose teaching license applications are denied due to conviction of a sexual offense involving a minor.

This amendment is to clean up language contrary to the new pupil-centered funding plan. That is why these accounts need to be removed from outside the plan.

Amendment adopted.

Amendment No. 761.

SUMMARY—Revises various provisions relating to education. (BDR 34-326)

AN ACT relating to education; authorizing the Superintendent of Public Instruction to investigate persons subject to his or her jurisdiction; creating the Account for Teacher Incentives and authorizing certain uses of money in the Account; repealing provisions which abolished the Teachers' School Supplies Assistance Account; revising the membership of the Commission on Professional Standards in Education; revising requirements related to certain reports relating to local school precincts; authorizing the State Board of

Education to delegate authority to suspend or revoke a license to the Department of Education; revising provisions relating to the Teach Nevada Scholarship Program; revising provisions relating to the policy for parental involvement required by federal law; revising provisions relating to the Nevada Institute on Teaching and Educator Preparation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes the Superintendent of Public Instruction the educational leader for the system of K-12 public education in Nevada and establishes various duties of the Superintendent. (NRS 385.175) Existing law also authorizes the Superintendent to investigate certain persons involved with private elementary or secondary schools. (NRS 394.231) Section 1 of this bill additionally authorizes the Superintendent to investigate certain persons involved with public schools.

The Nevada Legislature has appropriated money in previous sessions for the payment of incentives for teachers who agree to teach in certain kinds of public schools in certain circumstances. (Sections 29 and 30 of Senate Bill No. 555, chapter 376, Statutes of Nevada 2019, at pages 2384-85; section 1 of Assembly Bill No. 196, chapter 488, Statutes of Nevada 2019, at page 2895) Section 4 of this bill creates the Account for Teacher Incentives to receive such appropriations and authorizes the use of money in the Account to pay such incentives.

Existing law establishes the Teachers' School Supplies Assistance Account and authorizes the money in the Account to be used to reimburse a teacher for out-of-pocket expenses incurred for necessary school supplies for the pupils instructed by the teacher or to purchase such necessary school supplies directly in certain other ways. (NRS 387.1253-387.1257) Section 6 of this bill authorizes the Department of Education to require a school district or charter school that receives money from the Account to annually account for the money. Section 7 of this bill prohibits a school administrator from prohibiting or requiring a teacher to purchase certain supplies for the pupils the teacher instructs. Existing law prospectively abolishes the Account on July 1, 2021, which has the effect of eliminating, as of July 1, 2021, the program that allows for a teacher to be reimbursed for out-of-pocket expenses incurred for necessary school supplies for pupils instructed by the teacher. (Section 80 of Senate Bill No. 543, chapter 624, Statutes of Nevada 2019, at page 4253) Section 21 of this bill removes the prospective abolition of the Account, thereby allowing the program for reimbursement of teacher expenses to continue on and after July 1, 2021.

Existing law deems a public school, except a charter school or university school for profoundly gifted pupils, located in a large school district to be a local school precinct. (NRS 388G.600) Existing law requires the superintendent of such a school district to transfer authority to each local school precinct to carry out certain responsibilities. (NRS 388G.610) Under existing law, a school associate superintendent is required to provide a report

in person to the governing bodies of certain cities and counties relating to each local school precinct the school associate superintendent is assigned to oversee. (NRS 388G.630) Section 7.5 of this bill removes the requirement for the school associate superintendent to provide the report to the governing body of the county within which a local school precinct is located.

Existing law establishes the membership of the Commission on Professional Standards in Education, which is required to prescribe qualifications for the licensing of teachers, administrators and other educational personnel. Existing law requires the membership of the Commission to include the dean of the College of Education of one of the universities in the Nevada System of Higher Education or such a dean's representative. (NRS 391.011, 391.019) Section 8 of this bill additionally authorizes the Governor to appoint to this seat on the Commission the dean of the College or School of Education, as applicable, of one of the colleges in the Nevada System of Higher Education or such a dean's representative.

Existing law authorizes the State Board of Education to suspend or revoke the license of any teacher for any cause specified by law. (NRS 391.320) Section 14 of this bill authorizes the State Board to delegate authority to suspend or revoke the license of a teacher to the Department of Education for certain causes specified by the State Board by regulation. If the State Board delegates such authority to the Department, section 14 requires the Department to: (1) publish on its Internet website a list of the causes for which it has been delegated authority to impose discipline; (2) send written notice to a licensee before imposing discipline; and (3) forward any request for a hearing resulting from discipline imposed by the Department to the Superintendent of Public Instruction to carry out the hearing. Section 13 of this bill makes a conforming change relating to the ability of the Department to impose discipline when delegated such authority. Sections 15 and 16 of this bill make conforming changes to the disciplinary hearing process relating to the ability of the Department to impose discipline when delegated such authority.

Existing law establishes the Teach Nevada Scholarship Program, which allows public or private universities, colleges and other providers of alternative licensure programs in Nevada to apply for a grant to award scholarships to certain students who, upon completion of their program of study, will become licensed to teach in Nevada and obtain an endorsement to teach English as a second language or special education. (NRS 391A.550-391A.590) Section 17 of this bill removes the requirement for a university, college or other provider offering an approved program to be located in Nevada and transfers responsibility to approve such programs from the State Board of Education to the Commission on Professional Standards in Education. Section 17 also removes the requirement for a student receiving the scholarship to agree to complete the requirements to obtain an endorsement to teach English as a second language or special education. Existing law authorizes the State Board to prioritize the awarding of grants to a university, college or other provider of an alternative licensure program that will provide a greater number of

scholarships to certain groups, including, without limitation, veterans or their spouses or recipients who will be eligible to teach in subject areas for which a shortage of teachers exist. (NRS 391A.580) Section 17 adds recipients who agree to complete the requirements to obtain an endorsement to teach special education as an additional such group. If a recipient fails to complete the program for which a scholarship was awarded, existing law requires the university, college or other provider to repay any money received but not yet disbursed and up to $1,000 of any amount already disbursed to the recipient. If a recipient completes the program, the State Board is required to pay the university, college or other provider $1,000. (NRS 391A.590) Section 18 of this bill eliminates both: (1) the requirement for a university, college or other provider to repay up to $1,000 of any amount already disbursed to a recipient who fails to complete a program; and (2) the requirement for the State Board to pay $1,000 to a university, college or other provider if a recipient completes a program.

As a condition for the receipt of certain federal education funding, existing federal law requires each local educational agency to create a written policy for parent and family engagement that includes a variety of provisions. (20 U.S.C. § 6318) Existing law carries out this federal requirement by requiring the Department of Education to prescribe a form for educational involvement accords to be used by all public schools in this State and establishing the contents of the accords. (NRS 392.4575) Section 19 of this bill replaces the requirement for the Department to adopt such a form with a requirement for each public school to create a school-family compact that complies with the requirements of federal law and any guidelines issued by the Department. Section 19 also authorizes the Department to review school-family compacts for compliance.

Existing law authorizes a college or university within the Nevada System of Higher Education to apply to the State Board of Education for a grant of money to establish the Nevada Institute on Teaching and Educator Preparation, which is required to perform certain duties to increase the number of highly qualified, licensed teachers in Nevada. (NRS 396.5185) Section 20 of this bill requires any money appropriated to the Institute to: (1) be accounted for separately; (2) not revert to the State General Fund at the end of any fiscal year; and (3) be carried forward to the next fiscal year.

Existing law requires the Department to prescribe a form for teachers in elementary schools to provide reports to parents and legal guardians of pupils including a variety of information, including, without limitation, a checklist regarding the timely completion of homework assignments by a pupil and a list of resources available within the community to assist parents and legal guardians in addressing issues identified on the checklist. (NRS 392.456) Section 22 of this bill repeals this requirement.

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

Section 1. NRS 385.175 is hereby amended to read as follows:

385.175 The Superintendent of Public Instruction is the educational leader for the system of K-12 public education in this State. The Superintendent of Public Instruction *:* ~~[shall:]~~

1. *Shall:*

(a) Execute, direct or supervise all administrative, technical and procedural activities of the Department in accordance with policies prescribed by the State Board.

~~[2.]~~ *(b)* Employ personnel for the positions approved by the State Board and necessary for the efficient operation of the Department.

~~[3.]~~ *(c)* Organize the Department in a manner which will assure efficient operation and service.

~~[4.]~~ *(d)* Maintain liaison and coordinate activities with other state agencies performing educational functions.

~~[5.]~~ *(e)* Enforce the observance of this title and all other statutes and regulations governing K-12 public education.

~~[6.]~~ *(f)* Request a plan of corrective action from the board of trustees of a school district or the governing body of a charter school if the Superintendent of Public Instruction determines that the school district or charter school, or any other entity which provides education to a pupil with a disability for a school district or charter school, has not complied with a requirement of this title or any other statute or regulation governing K-12 public education. The plan of corrective action must provide a timeline approved by the Superintendent of Public Instruction for compliance with the statute or regulation.

~~[7.]~~ *(g)* Report to the State Board on a regular basis the data on the discipline of pupils and trends in the data on the discipline of pupils collected pursuant to NRS 385A.840.

~~[8.]~~ *(h)* Perform such other duties as are prescribed by law.

2. May investigate, on the Superintendent's own initiative or in response to any complaint lodged with the Superintendent, any person licensed pursuant to chapter 391 of NRS subject to, or reasonably believed by the Superintendent to be subject to, his or her jurisdiction, and in connection with an investigation:

(a) Subpoena any persons, books, records or documents pertaining to the investigation.

(b) Require answers in writing under oath to questions propounded by the Superintendent.

(c) Administer an oath or affirmation to any person.

(d) Request from any other department, division, board, bureau, commission or other agency of the State, and the latter agency shall provide, any information which it possesses that may be relevant to an investigation pursuant to this subsection.

(e) Delegate authority to perform the investigative functions listed in this subsection to qualified personnel of the Department.

➥ *A subpoena issued by the Superintendent may be enforced by any district court of this State.*

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. Chapter 387 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Account for Teacher Incentives is hereby created in the State General Fund, to be administered by the Superintendent of Public Instruction. The Superintendent of Public Instruction may accept gifts and grants of money from any source for deposit in the Account. Any money from gifts and grants may be expended in accordance with the terms and conditions of the gift or grant, or in accordance with subsection 2. The interest and income earned on the sum of:

(a) The money in the Account; and

(b) Unexpended appropriations made to the Account from the State General Fund,

➥ *must be credited to the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.*

2. The money in the Account may only be used for the purposes specified in subsection 3 or for any other purpose, as authorized by the Legislature.

3. The money in the Account may be distributed by the Superintendent of Public Instruction to the school districts in this State to provide incentive payments to:

(a) Teachers who are newly hired to teach in a school which is not a Title I school, as defined in NRS 385A.040, or a school designated as underperforming pursuant to the statewide system of accountability for public schools;

(b) Teachers who are currently employed to teach at a public school in Nevada that is not a Title I school or a school designated as underperforming pursuant to the statewide system of accountability for public schools and who transfer to teach at a Title I school or a school with that designation; and

(c) Teachers who were employed to teach at a public school in Nevada that was a Title I school or a school designated as underperforming pursuant to the statewide system of accountability for public schools during the immediately preceding school year and who remain employed at a Title I school or school with that designation during the succeeding school year.

4. A teacher who receives an incentive payment specified in paragraph (b) or (c) of subsection 3 during a school year remains eligible to receive such an incentive payment during subsequent school years.

5. The board of trustees of each school district and the governing body of each charter school shall establish a special revenue fund and direct that the money it receives pursuant to this section be deposited in that fund. Money in the special revenue fund must not be commingled with money from other

sources and may be used solely to pay incentive payments to teachers pursuant to this section and any regulations adopted pursuant thereto.

6. The State Board shall adopt any regulations necessary to carry out the provisions of this section.

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 387.1255 is hereby amended to read as follows:

387.1255 1. On or before September 1 of each year, the Department shall determine the amount of money that is available in the Teachers' School Supplies Assistance Account created by NRS 387.1253 for distribution among all of the school districts and charter schools in this State for that fiscal year. Any such distribution must be provided to each school district and charter school based on the number of teachers employed by the school district or charter school, as applicable. To the extent that money is available, the Department shall establish the amount of disbursement or reimbursement for each teacher which must not exceed $250 per fiscal year.

2. The board of trustees of each school district and the governing body of each charter school shall establish a special revenue fund and direct that the money it receives pursuant to subsection 1 be deposited in that fund. Money in the special revenue fund must not be commingled with money from other sources. The board of trustees or the governing body, as applicable, shall disburse money in the special revenue fund to teachers in accordance with NRS 387.1257.

3. The money in the special revenue fund must be used only to:

(a) Pay for a purchase of necessary school supplies for the pupils instructed by a teacher using a purchasing card or debit card issued for this purpose to the teacher by a school;

(b) Pay the balance owed on a credit card issued to a teacher by a school to pay for a purchase of necessary school supplies for the pupils the teacher instructs;

(c) Deposit money directly into the account of a teacher maintained at a financial institution to pay for a purchase of necessary school supplies for the pupils the teacher instructs;

(d) Provide a check written to a teacher to pay for a purchase of necessary school supplies for the pupils the teacher instructs; or

(e) Reimburse teachers for out-of-pocket expenses incurred in connection with purchasing necessary school supplies for the pupils they instruct.

4. If there is money remaining in the special revenue fund because one or more teachers at the school did not use the amount established for his or her disbursement or reimbursement pursuant to subsection 1, the board of trustees of a school district or the governing body of a charter school, as applicable, shall allow a teacher who has used the entire amount of his or her disbursement or reimbursement pursuant to subsection 1 to request an additional disbursement or reimbursement from the special revenue fund. The combined total amount of a disbursement or reimbursement and an additional

disbursement or reimbursement for each teacher must not exceed $250 per fiscal year.

5. The board of trustees or governing body of a charter school, as applicable, shall not use money in the special revenue fund to pay any administrative costs.

6. Any money remaining in the special revenue fund at the end of a fiscal year reverts to the Teachers' School Supplies Assistance Account.

7. The Department may require each school district or charter school that receives money pursuant to subsection 1 to account for all such money annually.

Sec. 7. NRS 387.1257 is hereby amended to read as follows:

387.1257 1. The board of trustees of each school district and the governing body of each charter school that receives money pursuant to subsection 1 of NRS 387.1255 shall determine the manner in which to distribute the money to teachers in the school district or charter school, as applicable, including, without limitation, whether to authorize a school to allow teachers to use a credit card, purchasing card or debit card connected to the special revenue fund issued to the teacher by the school to directly purchase school supplies, require a teacher to submit a request for a claim for reimbursement for out-of-pocket expenses from the special revenue fund established pursuant to NRS 387.1255 or authorize any other manner of providing money to a teacher described in subsection 3 of NRS 387.1255 to pay for school supplies for the pupils the teacher instructs.

2. To the extent that money is available in the special revenue fund, the board of trustees or governing body, as applicable, may reimburse a teacher, or the teacher may use, up to the maximum amount determined by the Department for each teacher pursuant to NRS 387.1255 for the fiscal year.

3. If the board of trustees of a school district or the governing body of a charter school, as applicable, requires a teacher to submit a claim for reimbursement for out-of-pocket expenses to receive money from the special revenue fund, the teacher must submit such a claim no later than 2 weeks after the last day of the school year.

4. The board of trustees of a school district may enter into an agreement with the recognized employee organization representing licensed educational personnel within the school district for the purpose of obtaining assistance of the employee organization in administering the reimbursement of teachers pursuant to this section.

5. A teacher who receives money pursuant to subsection 1 to directly purchase school supplies shall repay to the special revenue fund established pursuant to NRS 387.1255 by not later than the last day of the fiscal year in which the money was received:

(a) Any amount that was not used;

(b) Any amount that was used to purchase something other than school supplies; and

(c) Any amount that exceeds the maximum amount authorized pursuant to NRS 387.1255 in any fiscal year.

6. *A teacher who uses or receives money or submits a claim for reimbursement for out-of-pocket expenses pursuant to subsection 1 may purchase any supplies for the pupils the teacher instructs that the teacher deems appropriate which satisfy the requirements of NRS 387.1251 to 387.1257, inclusive. A principal or other school administrator shall not prohibit a teacher from purchasing any supplies which satisfy the requirements of NRS 387.1251 to 387.1257, inclusive, or require a teacher to purchase any such supplies.*

7. The board of trustees of each school district and the governing body of each charter school shall adopt a policy that establishes the manner in which to account for reimbursements or disbursements of money, as applicable, through each form of payment authorized for use by the board of trustees or the governing body, as applicable. The policy may include, without limitation, a requirement to submit receipts for any purchase of supplies with money received pursuant to subsection 1.

Sec. 7.5. NRS 388G.630 is hereby amended to read as follows:

388G.630 1. A school associate superintendent shall, with respect to each local school precinct to which he or she is assigned to oversee:

(a) Provide training to and supervise the principal of the local school precinct;

(b) Review and approve the plan of operation for the local school precinct and assist the principal of the local school precinct in making any necessary revisions to the plan;

(c) Ensure that each local school precinct to which he or she is assigned to oversee remains in compliance with all applicable federal, state and local laws;

(d) Provide a report in person, not less than quarterly, to the governing body of each city ~~[and county]~~ within which a local school precinct to which he or she is assigned to oversee is located and, if created pursuant to NRS 388G.760, to the Community Education Advisory Board; and

(e) Carry out any other duties assigned by the superintendent at his or her discretion or after approval by the superintendent of a request made by the local school precinct.

2. The school associate superintendent must be held accountable for all aspects of the performance of each local school precinct to which he or she is assigned to oversee. As used in this subsection, "performance" means the overall operation of each such local school precinct as measured by:

(a) The satisfaction of the parents and legal guardians of pupils and the teachers, administrators and other staff of the local school precinct as determined by the surveys administered pursuant to NRS 388G.800; and

(b) The progress made by the local school precinct to satisfy the goals and objectives set forth in the statewide system of accountability for public schools.

Sec. 8. NRS 391.011 is hereby amended to read as follows:

391.011 1. The Commission on Professional Standards in Education, consisting of eleven members appointed by the Governor, is hereby created.

2. Five members of the Commission must be teachers who teach in the classroom as follows:

(a) One who holds a license to teach secondary education and teaches in a secondary school.

(b) One who holds a license to teach middle school or junior high school education and teaches in a middle school or junior high school.

(c) One who holds a license to teach elementary education and teaches in an elementary school.

(d) One who holds a license to teach special education and teaches special education.

(e) One who holds a license to teach pupils in a program of early childhood education and teaches in a program of early childhood education.

3. The remaining members of the Commission must include:

(a) One school counselor, psychologist, speech-language pathologist, audiologist, or social worker who is licensed pursuant to this chapter and employed by a school district or charter school.

(b) One administrator of a school who is employed by a school district or charter school to provide administrative service at an individual school. Such an administrator must not provide service at the district level.

(c) The dean of the College *or School* of Education *, as applicable,* at one of the universities *or colleges* in the Nevada System of Higher Education, or a representative of one of the Colleges *or Schools* of Education *, as applicable,* nominated by such a dean for appointment by the Governor.

(d) One member who is the parent or legal guardian of a pupil enrolled in a public school.

(e) One member who has expertise and experience in the operation of a business.

(f) One member who is the superintendent of schools of a school district.

4. Three of the five appointments made pursuant to subsection 2 must be made from a list of names of at least three persons for each position that is submitted to the Governor by an employee organization representing the majority of teachers in the State who teach in the educational level from which the appointment is being made.

5. The appointment made pursuant to:

(a) Paragraph (a) of subsection 3 must be made from a list of names of at least three persons that is submitted to the Governor by an employee organization representing the majority of school counselors, psychologists, speech-language pathologists, audiologists or social workers in this State who are not administrators.

(b) Paragraph (b) of subsection 3 must be made from a list of names of at least three persons that is submitted to the Governor by the organization of

administrators for schools in which the majority of administrators of schools in this State have membership.

(c) Paragraph (d) of subsection 3 must be made from a list of names of persons submitted to the Governor by the Nevada Parent Teacher Association or its successor organization.

(d) Paragraph (f) of subsection 3 must be made from a list of names of persons submitted to the Governor by the Nevada Association of School Superintendents.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. NRS 391.3015 is hereby amended to read as follows:

391.3015 1. Except as otherwise provided by subsection 3, if the license of an employee lapses during a time that school is in session:

(a) The school district that employs him or her shall provide written notice to the employee of the lapse of the employee's license and of the provisions of this section;

(b) The employee must not be suspended from employment for the lapsed license for a period of 90 days after the date of the notice pursuant to paragraph (a) or the end of the school year, whichever is longer; and

(c) The employee's license shall be deemed valid for the period described in paragraph (b) for purposes of the employee's continued employment with the school district during that period.

2. If a school district complies with subsection 1 and an employee fails to reinstate his or her license within the time prescribed in paragraph (b) of subsection 1, his or her employment shall be deemed terminated at the end of the period described in paragraph (b) of subsection 1 and the school district is not otherwise required to comply with NRS 391.301 to 391.309, inclusive.

3. The provisions of this section do not apply to an employee whose:

(a) License has been suspended or revoked by the State Board *or the Department* pursuant to NRS 391.320 to 391.361, inclusive; or

(b) Application for renewal was denied by the Superintendent of Public Instruction pursuant to NRS 391.033.

Sec. 14. NRS 391.320 is hereby amended to read as follows:

391.320 *1.* The State Board of Education may ~~[suspend]~~ *:*

(a) Suspend or revoke the license of any teacher for any cause specified by law ~~[.]~~ *; and*

(b) Delegate authority to the Department to suspend or revoke the license of any teacher for any cause specified by the State Board by regulation pursuant to subsection 2.

2. If the State Board delegates authority to the Department pursuant to subsection 1:

(a) The State Board, by regulation, shall specify the causes for which authority to suspend or revoke the license of a teacher is delegated to the Department; and

(b) The Department shall:

(1) Publish on its Internet website a list of the causes for which the State Board has delegated authority to suspend or revoke the license of a teacher pursuant to paragraph (a);

(2) Send written notice to a licensee pursuant to NRS 391.322 before taking any action to suspend or revoke a license; and

(3) If the licensee requests a hearing pursuant to subsection 3 of NRS 391.322, forward the request to the Superintendent of Public Instruction to carry out a hearing pursuant to NRS 391.320 to 391.361, inclusive.

Sec. 15. NRS 391.322 is hereby amended to read as follows:

391.322 1. If the board of trustees of a school district, the governing body of a charter school or the Superintendent of Public Instruction or the Superintendent's designee submits a recommendation to the State Board for the suspension or revocation of a license issued pursuant to this chapter, the State Board shall send written notice of the recommendation to the person to whom the license has been issued at the address on file with the Department. *If the State Board delegates authority to the Department to suspend or revoke a license pursuant to NRS 391.320, the Department shall send written notice of intent to suspend or revoke a license to the person to whom the license has been issued at the address on file with the Department.*

2. A notice given pursuant to subsection 1 must contain:

(a) A statement of the charge upon which the recommendation *or intent* is based;

(b) A copy of the recommendation received by the State Board ~~[.]~~ *, if applicable;*

(c) A statement that the licensee is entitled to a hearing before a hearing officer if the licensee makes a written request for the hearing as provided by subsection 3; and

(d) A statement that the grounds and procedure for the suspension or revocation of a license are set forth in NRS 391.320 to 391.361, inclusive.

3. A licensee to whom notice has been given pursuant to this section may request a hearing before a hearing officer selected pursuant to subsection 4. Such a request must be in writing and must be filed with the Superintendent of Public Instruction *, if notice was sent pursuant to subsection 1 by the State Board, or with the Department, if notice was sent pursuant to subsection 1 by the Department,* within 15 days after receipt of the notice by the licensee.

4. Upon receipt of a request filed pursuant to subsection 3, the Superintendent of Public Instruction shall request from the Hearings Division of the Department of Administration a list of potential hearing officers. The licensee requesting a hearing and the Superintendent of Public Instruction shall select a person to serve as hearing officer from the list provided by the Hearings Division of the Department of Administration by alternately striking

one name until the name of only one hearing officer remains. The Superintendent of Public Instruction shall strike the first name.

5. Except as otherwise provided in subsection 6, if no request for a hearing is filed within the time specified in subsection 3, the State Board *or the Department, as applicable,* may suspend or revoke the license or take no action on the recommendation.

6. If the Department receives notice of a conviction of a licensee and the conviction is for an act which is a ground for the suspension or revocation of a license ~~[,]~~ *and the State Board has not delegated authority pursuant to NRS 391.320 to the Department to suspend or revoke a license for such a cause,* the State Board shall immediately process the recommendation in accordance with the provisions of NRS 391.320 to 391.361, inclusive. If no request for a hearing is filed within the time specified in subsection 3, the State Board may accept, reject or modify the recommendation.

Sec. 16. NRS 391.355 is hereby amended to read as follows:

391.355 1. The State Board shall adopt rules of procedure for the conduct of hearings conducted pursuant to NRS 391.323.

2. The rules of procedure must provide for boards of trustees of school districts, governing bodies of charter schools or the Superintendent of Public Instruction or *an employee of the Department designated by* the ~~[Superintendent's designee]~~ *Superintendent* to bring charges, when cause exists.

3. The rules of procedure must provide that:

(a) The licensed employee, board of trustees of a school district, governing body of a charter school and Superintendent are entitled to be heard, to be represented by an attorney and to call witnesses in their behalf.

(b) The hearing officer selected pursuant to NRS 391.322 is entitled to be reimbursed for his or her reasonable actual expenses.

(c) If requested by the hearing officer selected pursuant to NRS 391.322, an official transcript must be made.

(d) Except as otherwise provided in paragraph (e), the State Board, licensed employee and the Department, board of trustees of a school district or governing body of a charter school which initiated the complaint resulting in the hearing are equally responsible for the expense of and compensation for the hearing officer selected pursuant to NRS 391.322 and the expense of the official transcript. The State Board may bill the licensed employee or the Department, board of trustees of a school district or governing body of a charter school which initiated the complaint resulting in the hearing for their percentage of any expenses incurred pursuant to this paragraph.

(e) If the hearing results from a recommendation to revoke or suspend a license based upon a conviction which is a ground for the suspension or revocation of a license pursuant to paragraph (e) or (f) of subsection 1 of NRS 391.330, the licensed employee is fully responsible for the expense of and compensation for the hearing officer selected pursuant to NRS 391.322

and the expense of the official transcript. The State Board may bill the licensed employee for such expenses.

4. A hearing officer selected pursuant to NRS 391.322 shall, upon the request of a party, issue subpoenas to compel the attendance of witnesses and the production of books, records, documents or other pertinent information to be used as evidence in hearings conducted pursuant to NRS 391.323.

Sec. 17. NRS 391A.580 is hereby amended to read as follows:

391A.580 1. A public or private university, college or other provider of an alternative licensure program ~~[in this State]~~ is eligible to apply to the State Board for a grant from the Account to award scholarships to students who attend the university, college or other provider of an alternative licensure program to complete a program offered by the university, college or other provider of an alternative licensure program that has been approved by the ~~[State Board]~~ *Commission on Professional Standards in Education* and which:

(a) Upon completion makes a student eligible to obtain a license to teach kindergarten, any grade from grades 1 through 12 or in the subject area of special education in this State; or

(b) Allows a student to specialize in the subject area of early childhood education.

2. The State Board shall:

(a) Establish the number of Teach Nevada Scholarships that will be available each year based upon the amount of money available in the Account.

(b) Review all applications submitted pursuant to subsection 1 and award a grant of money from the Account to ~~[an approved]~~ *a* university, college or other provider of an alternative licensure program *offering a program described in subsection 1* to the extent that money is available in an amount determined by the State Board. The State Board shall retain 25 percent of such an award in the Account for disbursement to a scholarship recipient who meets the requirements of subsection 4 of NRS 391A.585.

3. The State Board may prioritize the award of grants from the Account to a university, college or other provider of an alternative licensure program that demonstrates the university, college or other provider of an alternative licensure program will provide scholarships to a greater number of recipients who:

(a) Are veterans or the spouses of veterans;

(b) Intend to teach in public schools in this State which have the highest shortage of teachers;

(c) Have been economically disadvantaged or belong to a racial or ethnic minority group; ~~[or]~~

(d) *Agree to complete the requirements to obtain an endorsement to teach special education; or*

(e) Will be eligible to teach in a subject area for which there is a shortage of teachers. Such a subject area may include, without limitation, science, technology, engineering, mathematics, special education or English as a second language.

4. A student may apply for a Teach Nevada Scholarship from a university, college or other provider of an alternative licensure program that receives a grant from the Account only if ~~[~~:

~~(a) The]~~ *the* student attends or has been accepted to attend the university, college or other provider of an alternative licensure program to complete a program described in subsection 1 . ~~[~~; and

~~(b) The student agrees to complete the requirements to obtain an endorsement to teach English as a second language or an endorsement to teach special education.]~~

5. An application submitted by the student must identify the program to be completed and the date by which the student must complete the program to finish on schedule.

6. The State Board may adopt any regulations necessary to carry out the provisions of NRS 391A.550 to 391A.590, inclusive.

Sec. 18. NRS 391A.590 is hereby amended to read as follows:

391A.590 ~~[1.]~~ If a scholarship recipient does not complete the program for which the scholarship was awarded for any reason, including, without limitation, withdrawing from the university, college or other provider of an alternative licensure program or pursuing another course of study, the university, college or other provider of an alternative licensure program that awarded the scholarship must pay to the State Board for credit to the Account ~~[~~:

~~(a) Any]~~ *any* amount of money that the university, college or other provider of an alternative licensure program has received but has not yet disbursed to the scholarship recipient pursuant to NRS 391A.585 . ~~[~~; and

~~(b) An amount of money equal to the total amount of money disbursed to the scholarship recipient pursuant to NRS 391A.585 or $1,000, whichever is less.~~

~~2. If a scholarship recipient completes the program for which the scholarship was awarded on schedule, as described in the application for the scholarship submitted pursuant to NRS 391A.580, to the extent that money is available for this purpose, the State Board shall pay $1,000 to the university, college or other provider of an alternative licensure program that awarded the scholarship. Any money received by a university, college or other provider of an alternative licensure program pursuant to this section must be used to pay costs associated with providing a program described in subsection 1 of NRS 391A.580.]~~

Sec. 19. NRS 392.4575 is hereby amended to read as follows:

392.4575 1. ~~[The Department shall prescribe a form for educational involvement accords to be used by all]~~ *Each* public ~~[schools]~~ *school* in this State ~~[.]~~ *shall create a school-family compact.* The ~~[educational involvement accord]~~ *school-family compact* must comply with *:* ~~[the policy:]~~

(a) ~~[For]~~ *The policy for* parental involvement required by the federal Every Student Succeeds Act of 2015, as set forth in 20 U.S.C. § 6318.

(b) ~~[For]~~ *The policy for* parental involvement and family engagement adopted by the State Board pursuant to NRS 392.457.

(c) Any guidance provided by the Department relating to the development of a school-family compact.

2. ~~[Each educational involvement accord must include, without limitation:~~

~~(a) A description of how the parent or legal guardian will be involved in the education of the pupil, including, without limitation:~~

~~(1) Reading to the pupil, as applicable for the grade or reading level of the pupil;~~

~~(2) Reviewing and checking the pupil's homework; and~~

~~(3) Contributing 5 hours of time each school year, including, without limitation, by attending school-related activities, parent-teacher association meetings, parent-teacher conferences, volunteering at the school and chaperoning school-sponsored activities.~~

~~(b) The responsibilities of a pupil in a public school, including, without limitation:~~

~~(1) Reading each day before or after school, as applicable for the grade or reading level of the pupil;~~

~~(2) Using all school equipment and property appropriately and safely;~~

~~(3) Following the directions of any adult member of the staff of the school;~~

~~(4) Completing and submitting homework in a timely manner; and~~

~~(5) Respecting himself or herself, others and all property.~~

~~(c) The responsibilities of a public school and the administrators, teachers and other personnel employed at a school, including, without limitation:~~

~~(1) Ensuring that each pupil is provided proper instruction, supervision and interaction;~~

~~(2) Maximizing the educational and social experience of each pupil;~~

~~(3) Carrying out the professional responsibility of educators to seek the best interest of each pupil; and~~

~~(4) Making staff available to the parents and legal guardians of pupils to discuss the concerns of parents and legal guardians regarding the pupils.~~

~~3.]~~ Each ~~[educational involvement accord]~~ *school-family compact* must be accompanied by, without limitation:

(a) Information describing how the parent or legal guardian may contact the pupil's teacher and the principal of the school in which the pupil is enrolled;

(b) The curriculum of the course or standards for the grade in which the pupil is enrolled, as applicable, including, without limitation, a calendar that indicates the dates of major examinations and the due dates of significant projects, if those dates are known by the teacher at the time that the information is distributed;

(c) The homework and grading policies of the pupil's teacher or school;

(d) Directions for finding resource materials for the course or grade in which the pupil is enrolled, as applicable;

(e) Suggestions for parents and legal guardians to assist pupils in their schoolwork at home;

(f) The dates of scheduled conferences between teachers or administrators and the parents or legal guardians of the pupil;

(g) The manner in which reports of the pupil's progress will be delivered to the parent or legal guardian and how a parent or legal guardian may request a report of progress;

(h) The classroom rules and policies;

(i) The dress code of the school, if any;

(j) The availability of assistance to parents who have limited proficiency in the English language;

(k) Information describing the availability of free and reduced-price meals, including, without limitation, information regarding school breakfast, school lunch and summer meal programs;

(l) Opportunities for parents and legal guardians to become involved in the education of their children and to volunteer for the school or class; and

(m) The code of honor relating to cheating prescribed pursuant to NRS 392.461.

~~[4.]~~ *3.* The board of trustees of each school district *and the governing body of each charter school* shall adopt a policy providing for the development and distribution of the ~~[educational involvement accord.]~~ *school-family compact.* The policy adopted by a board of trustees *or governing body* must require each classroom teacher to:

(a) Distribute the ~~[educational involvement accord]~~ *school-family compact* to the parent or legal guardian of each pupil in the teacher's class at the beginning of each school year or upon a pupil's enrollment in the class, as applicable; and

(b) Provide the parent or legal guardian with a reasonable opportunity to sign the ~~[educational involvement accord.~~

~~5. Except as otherwise provided in this subsection, the board of trustees of each school district shall ensure that the form prescribed by the Department is used for the educational involvement accord of each public school in the school district. The board of trustees of a school district may authorize the use of an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.~~

~~6.]~~ *school-family compact.*

4. The Department ~~[and the board of trustees of each school district shall, at least once each year, review and amend their respective educational involvement accords.]~~ *may, at its discretion, review the school-family compact in use by any public school in this State to ensure compliance with the provisions of this section.*

Sec. 20. NRS 396.5185 is hereby amended to read as follows:

396.5185 1. A college or university within the System is eligible to apply to the State Board for a grant of money to establish the Nevada Institute

on Teaching and Educator Preparation.

2. The Nevada Institute on Teaching and Educator Preparation shall:

(a) Establish a highly selective program for the education and training of teachers that:

(1) Recruits promising students pursuing teaching degrees from inside and outside this State, with priority given to students from inside this State;

(2) Upon completion of the program, makes a student eligible to obtain a license to teach pupils in a program of early childhood education, kindergarten, any grade from grades 1 through 12 or in the subject area of special education in this State;

(3) Is thorough and rigorous and provides a student with increasing professional autonomy and responsibility;

(4) Allows a student to obtain experience in schools that serve high populations of pupils with disabilities or who are at risk or have other significant needs;

(5) Provides, in a manner that is aligned to the demographics of pupils in this State, the skills and knowledge necessary to teach the diverse population of pupils in this State;

(6) Identifies opportunities for placement of students who complete the program in public schools throughout this State; and

(7) Provides instruction concerning the most contemporary and effective pedagogies, curricula, technology and behavior management techniques for teaching;

(b) Identify a target number of students to be selected for participation in the program each year, which must be not less than 25 students;

(c) Establish requirements for each person who has completed the program to serve as a mentor to future students selected for the program and collaborate with the program to build a community among students participating in the program and persons who have completed the program;

(d) Conduct innovative and extensive research concerning approaches and methods used to educate and train teachers and to teach pupils, including, without limitation, pupils with disabilities or pupils who are at risk or have other significant needs; and

(e) Continually evaluate, develop and disseminate approaches to teaching that address the variety of settings in which pupils in this State are educated.

3. The Nevada Institute on Teaching and Educator Preparation may:

(a) Apply for and accept any gift, donation, bequest, grant or other source of money, or property or service provided in kind, for carrying out the duties of the Nevada Institute on Teaching and Educator Preparation; and

(b) Support a student who is participating in the program by allocating money to the student or reimbursing the student for the costs of obtaining a teaching degree or a license to teach pupils.

4. An application to establish the Nevada Institute on Teaching and Educator Preparation pursuant to subsection 1 must demonstrate the ability of the applicant to:

(a) Meet the requirements of subsection 2;

(b) Provide additional money for the establishment and operation of the Institute that matches the grant of money awarded by the State Board; and

(c) Sustain and expand the Institute over time.

5. *Any money appropriated to the Nevada Institute on Teaching and Educator Preparation to carry out the duties of the Institute must be accounted for separately in the State General Fund. The money in the account:*

(a) Does not revert to the State General Fund at the end of any fiscal year; and

(b) Must be carried forward to the next fiscal year.

6. As used in this section, "pupil 'at risk' " has the meaning ascribed to it in NRS 388A.045.

Sec. 21. Section 80 of chapter 624, Statutes of Nevada 2019, at page 4253, is hereby amended to read as follows:

Sec. 80. NRS 387.122, 387.1245, 387.1247, ~~[387.1251, 387.1253, 387.1255, 387.1257,]~~ 387.129, 387.131, 387.133, 387.137, 387.139, 387.163, 387.193, 387.197, 387.2065, 387.2067 and 387.207 are hereby repealed.

Sec. 22. NRS 392.456 is hereby repealed.

Sec. 23. 1. This section and section 21 of this act become effective on July 1, 2021.

2. Section 18 of this act becomes effective on September 1, 2021.

3. Sections 1 to 17, inclusive, 19, 20 and 22 of this act become effective on February 1, 2022.

TEXT OF REPEALED SECTION

392.456 Form for use in elementary schools concerning status of pupil and participation of parent; restrictions on use.

1. The Department shall:

(a) Prescribe a form for use by teachers in elementary schools to provide reports to parents and legal guardians of pupils pursuant to this section;

(b) Work in consultation with the Legislative Bureau of Educational Accountability and Program Evaluation, the Nevada Association of School Boards, the Nevada Association of School Administrators, the Nevada State Education Association and the Nevada Parent Teacher Association in the development of the form; and

(c) Make the form available in electronic format for use by school districts and charter schools and, upon request, in any other manner deemed reasonable by the Department.

2. The form must include, without limitation:

(a) A notice to parents and legal guardians that parental involvement is important in ensuring the success of the academic achievement of pupils;

(b) A checklist indicating whether:

(1) The pupil completes his or her homework assignments in a timely manner;

(2) The pupil is present in the classroom when school begins each day and is present for the entire school day unless the pupil's absence is approved in accordance with NRS 392.130;

(3) The parent or legal guardian and the pupil abide by any applicable rules and policies of the school and the school district; and

(4) The pupil complies with the dress code for the school, if applicable; and

(c) A list of the resources and services available within the community to assist parents and legal guardians in addressing any issues identified on the checklist.

3. In addition to the requirements of subsection 2, the Department may prescribe additional information for inclusion on the form, including, without limitation:

(a) A report of the participation of the parent or legal guardian, including, without limitation, whether the parent or legal guardian:

(1) Completes forms and other documents that are required by the school or school district in a timely manner;

(2) Assists in carrying out a plan to improve the pupil's academic achievement, if applicable;

(3) Attends conferences between the teacher and the parent or legal guardian, if applicable; and

(4) Attends school activities.

(b) A report of whether the parent or legal guardian ensures the health and safety of the pupil, including, without limitation, whether:

(1) Current information is on file with the school that designates each person whom the school should contact if an emergency involving the pupil occurs; and

(2) Current information is on file with the school regarding the health and safety of the pupil, such as immunization records, if applicable, and any special medical needs of the pupil.

4. A teacher at an elementary school may provide the form prescribed by the Department, including the additional information prescribed pursuant to subsection 3 if the Department has prescribed such information on the form, to a parent or legal guardian of a pupil if the teacher determines that the provision of such a report would assist in improving the academic achievement of the pupil.

5. A report provided to a parent or legal guardian pursuant to this section must not be used in a manner that:

(a) Interferes unreasonably with the personal privacy of the parent or legal guardian or the pupil;

(b) Reprimands the parent or legal guardian; or

(c) Affects the grade or report of progress given to a pupil based upon the information contained in the report.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 761 to Senate Bill No. 27 removes the requirement that the school associate superintendent reporting to the governing body of the county in which the local school precinct associate superintendent is assigned to oversee is located. This amendment removes the report that needs to be given to the county. It was a request from the county it be removed and do not want to receive this report.

Amendment adopted.

Bill read third time.

Remarks by Senators Denis and Hardy.

SENATOR DENIS:

This was a clean-up bill from the Department of Education. It does various cleanup on existing law.

SENATOR HARDY:

I would prefer assurance that the abolishment of the Fund for Teacher Incentives is included either in another bill, statute or another way so we are not disincentivizing teachers, which is what Amendment No. 680 seems to do.

SENATOR DENIS:

This bill does not talk about that, that part is in the budget. This bill cleans up the accounts so the money now goes into the Pupil-Centered Funding Plan. This bill does not deal with the teacher incentive accounts.

SENATOR HARDY:

I would love to see where that fund is now that it has been taken out of where it was so we have assurances that the teachers are not disincentivized.

Roll call on Senate Bill No. 27:

YEAS—16.

NAYS—Buck, Hansen, Hardy, Pickard, Settelmeyer—5.

Senate Bill No. 27 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. 328.

The following Assembly amendment was read:

Amendment No. 640.

SUMMARY—Revises provisions relating to energy storage systems. (BDR 58-658)

AN ACT relating to energy; establishing qualifications for persons who install electrochemical energy storage systems; ~~[requiring]~~ revising provisions governing the establishment by the Public Utilities Commission of Nevada ~~[to reevaluate the existing]~~ of biennial targets for the procurement of energy storage systems by certain electric utilities; requiring the Commission to reevaluate the existing biennial targets; eliminating an obsolete provision relating to the establishment of such targets; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Public Utilities Commission of Nevada to: (1) determine, on or before October 1, 2018, whether it is in the public interest to establish by regulation biennial targets for the procurement of energy storage systems by certain electric utilities; and (2) if the Commission determines that it is in the public interest to establish such targets, adopt regulations establishing biennial targets for the procurement of energy storage systems by certain electric utilities. (NRS 704.795, 704.796) Existing regulations, with certain exceptions, establish progressively larger targets for the procurement of energy storage systems by certain electric utilities, culminating in a requirement that certain electric utilities procure energy storage systems capable of storing not less than 1,000 megawatts of electric power by December 31, 2030. Existing regulations also require the Commission to review the existing biennial energy storage targets when it reviews the resource plan submitted by an electric utility and determine whether the targets should be altered. (Section 10 of LCB File No. R106-19) Section 3 of this bill requires that the Commission establish biennial targets that deliver the greatest benefits to the customers of the electric utility in relation to the costs of the procurement of the energy storage systems. Section 7.5 of this bill requires the Commission, not later than November 1, 2022, to: (1) reevaluate the existing biennial targets for the procurement of energy storage systems by certain electric utilities in regulations and to make any revisions to the targets which the Commission determines to be in the public interest; and (2) submit a report to the Legislative Commission concerning the reevaluation. Section 9 of this bill removes the obsolete provision that requires the Commission to determine whether to adopt regulations to establish the biennial targets by October 1, 2018, given that those regulations have been adopted. Section ~~[3]~~ 3.5 of this bill makes a conforming change ~~[to remove a reference]~~ relating to the removal of this obsolete provision.

Section 5 of this bill prohibits a person from installing an electrochemical energy storage system unless the person holds a valid license ~~[as an electrical contractor]~~ in the classification required to perform such work and, for installations occurring on property other than a residential property after July 1, 2022, ~~[certain additional professional qualifications relating to the installation of energy storage systems.]~~ ensures that the installation is performed by or under the direct supervision of a person who holds a certificate demonstrating the successful completion of the Energy Storage and Microgrid Training and Certification program. Section 6 of this bill provides that a violation of the provisions of section 5 is grounds for disciplinary action by the State Contractors' Board.

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. NRS 704.796 is hereby amended to read as follows:

704.796 ~~[If, pursuant to NRS 704.795, the Commission determines that it is in the public interest to establish by regulation targets for the procurement of energy storage systems by an electric utility, the]~~

1. The Commission shall adopt regulations:

~~[1.]~~ *(a)* Establishing biennial targets for the procurement of energy storage systems by ~~[the]~~ *an* electric utility;

~~[2.]~~ *(b)* Setting forth the points of interconnection on the electric grid for the implementation of energy storage systems;

~~[3.]~~ *(c)* Establishing that an energy storage system may be owned by the electric utility or any other person;

~~[4.]~~ *(d)* Establishing requirements for the filing by the electric utility of annual or biennial plans to meet biennial targets for the procurement and implementation of energy storage systems;

~~[5.]~~ *(e)* Prescribing a procedure by which the Commission must, at least once every 3 years, reevaluate the biennial targets for the procurement of energy storage systems by the electric utility;

~~[6.]~~ *(f)* Establishing a procedure by which an electric utility may obtain a waiver or deferral of the biennial targets for the procurement of energy storage systems if the electric utility is not able to identify energy storage systems that provide benefits to customers of the utility that exceed the costs of energy storage systems; and

~~[7.]~~ *(g)* Requiring the electric utility to include such information as the Commission may require in each plan submitted by the electric utility pursuant to NRS 704.741.

2. The Commission shall establish biennial targets pursuant to subsection 1 that deliver the greatest benefits to the customers of the electric utility in relation to the costs of the procurement of the energy storage systems. In calculating the benefits and costs of the procurement of energy storage systems, the Commission shall consider all known and measurable benefits and costs, including, without limitation:

(a) A reduction in the need for the additional generation of electricity by the electric utility during periods of peak demand;

(b) A reduction in line losses of the electric utility;

(c) The benefits and costs related to ancillary services of the electric utility;

(d) Avoided costs to the electric utility for additional generation, transmission and generation capacity;

(e) The benefits arising from a reduction of greenhouse gas emissions and the emission of other air pollutants;

(f) The benefits and costs to the electric utility related to voltage support;

(g) The benefits of diversifying the types of resources used for the generation of electricity;

(h) The administrative costs incurred by the electric utility;

(i) The cost to the electric utility of the integration of energy storage systems into the transmission and distribution grid; and

(j) The cost of the energy storage systems.

Sec. 3.5. NRS 704.797 is hereby amended to read as follows:

704.797 1. ~~[If the Commission adopts regulations pursuant to NRS 704.796 to establish biennial targets for the procurement of energy storage systems by an electric utility, to]~~ *To* meet the targets set forth in ~~[those]~~ *the* regulations ~~[, the]~~ *adopted pursuant to NRS 704.796, an* electric utility may procure energy storage systems that are either centralized or distributed and either owned by the utility or by any other person, as prescribed by regulation of the Commission.

2. Electric energy storage systems procured by an electric utility to meet ~~[any]~~ *the* biennial targets for the procurement of energy storage systems established by regulation pursuant to NRS 704.796 must:

(a) Reduce peak demand for electricity;

(b) Avoid or defer investment by the electric utility in assets for the generation, transmission and distribution of electricity;

(c) Improve the reliability of the operation of the transmission or distribution grid;

(d) Reduce the emission of greenhouse gases or other air pollutants; or

(e) Integrate renewable energy into the electric grid.

Sec. 4. (Deleted by amendment.)

Sec. 5. Chapter 624 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person shall not install an electrochemical energy storage system in this State unless he or she : ~~[holds:]~~

(a) ~~[A]~~ Holds a valid license in the ~~[specialty of electrical contracting with any subclassification]~~ classification required to perform such work issued pursuant to this chapter and the regulations of the Board; and

(b) If the installation is for a property other than a residential property and is performed on or after July 1, 2022, ensures that the installation is performed by or under the direct supervision of a person who holds a certificate demonstrating the successful completion of the Energy Storage and Microgrid Training and Certification program (ESAMTAC).

2. As used in this section:

(a) ~~["Energy]~~ "Electrochemical energy storage system" ~~[has the meaning ascribed to it in NRS 704.793.]~~ means a commercially available technology that is capable of receiving electric energy and storing that energy by electrochemical means in order to produce and deliver electricity at a later time.

(b) "Residential property" means:

(1) Improved real estate that consists of not more than four residential units; or

(2) A single-family residential unit, including, without limitation, a condominium, townhouse or home within a subdivision, if the unit is sold, leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units.

Sec. 6. NRS 624.3016 is hereby amended to read as follows:

624.3016 The following acts or omissions, among others, constitute cause for disciplinary action under NRS 624.300:

1. Any fraudulent or deceitful act committed in the capacity of a contractor, including, without limitation, misrepresentation or the omission of a material fact.

2. A conviction of a violation of NRS 624.730, or a conviction in this State or any other jurisdiction of a felony relating to the practice of a contractor or a crime involving moral turpitude.

3. Knowingly making a false statement in or relating to the recording of a notice of lien pursuant to the provisions of NRS 108.226.

4. Failure to give a notice required by NRS 108.227, 108.245, 108.246 or 624.520.

5. Failure to comply with NRS 624.920, 624.930, 624.935 or 624.940 or any regulations of the Board governing contracts for work concerning residential pools and spas.

6. Failure to comply with NRS 624.600.

7. Misrepresentation or the omission of a material fact, or the commission of any other fraudulent or deceitful act, to obtain a license.

8. Failure to pay an assessment required pursuant to NRS 624.470.

9. Failure to file a certified payroll report that is required for a contract for a public work.

10. Knowingly submitting false information in an application for qualification or a certified payroll report that is required for a contract for a public work.

11. Failure to notify the Board of a conviction or entry of a plea of guilty, guilty but mentally ill or nolo contendere pursuant to NRS 624.266.

12. Failure to provide a builder's warranty as required by NRS 624.602 or to respond reasonably to a claim made under a builder's warranty.

13. Failure to comply with section 5 of this act.

Sec. 7. NRS 624.800 is hereby amended to read as follows:

624.800 For any violation of the provisions of NRS 624.005 to 624.750, inclusive, *and section 5 of this act* that is punishable as a misdemeanor, an indictment must be found, or an information or complaint filed, within 2 years after the commission of the offense.

Sec. 7.5. 1. Not later than November 1, 2022, based upon the most recent plan filed by an electric utility pursuant to NRS 704.741 on or before June 1, 2021, the Public Utilities Commission of Nevada shall reevaluate the biennial targets for the procurement of energy storage systems by an electric utility established by the Commission by regulation pursuant to NRS 704.796 , as amended by section 3 of this act, and make any revisions to the targets that the Commission determines to be in the public interest. The reevaluation required by this subsection is in addition to any reevaluation of the biennial targets for the procurement of energy storage systems required by the

regulations adopted by the Commission pursuant to paragraph (e) of subsection ~~[5]~~ 1 of NRS 704.796 ~~[.]~~ , as amended by section 3 of this act.

2. On or before November 1, 2022, the Commission shall prepare and submit a report to the Legislative Commission concerning its reevaluation of the biennial targets for the procurement of energy storage systems by an electric utility pursuant to subsection 1. The report must state any revisions to the targets that have been or will be adopted by the Commission as a result of the reevaluation.

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 704.795 is hereby repealed.

Sec. 10. 1. This section and sections 1 to 4, inclusive, and 7.5 to 9, inclusive, of this act become effective upon passage and approval.

2. Sections 5, 6 and 7 of this act become effective:

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

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

TEXT OF REPEALED SECTION

704.795 Commission required to determine whether targets for the procurement of energy storage systems by electric utility is in public interest; required factors to consider; calculation of benefits and costs.

1. On or before October 1, 2018, the Commission shall determine whether it is in the public interest to establish by regulation biennial targets for the procurement of energy storage systems by an electric utility.

2. In making the determination required by subsection 1, the Commission shall consider:

(a) Whether the procurement of energy storage systems by an electric utility will achieve the following purposes:

(1) The integration of renewable energy resources which generate electricity on an intermittent basis into the transmission and distribution grid of the electric utility.

(2) The improvement of the reliability of the systems for the transmission and distribution of electricity.

(3) The increased use of renewable energy resources to generate electricity.

(4) The reduction of the need for the additional generation of electricity during periods of peak demand.

(5) The avoidance or deferral of investment by the electric utility in generation, transmission and distribution of electricity.

(6) The replacement of ancillary services provided by facilities using fossil fuels with ancillary services provided by the use of energy storage systems.

(7) The reduction of greenhouse gas emissions.

(b) The interconnection of energy storage systems at each point of the electric grid, including, without limitation, in the transmission and distribution of electricity and at the site of the customer.

3. For the purposes of subsection 1, the Commission shall determine that the establishment of targets for the procurement of energy storage systems by an electric utility is in the public interest if the benefits to customers of the electric utility exceed the costs of the procurement of energy storage systems. In calculating the benefits and costs of the procurement of energy storage systems, the Commission shall consider all known and measurable benefits and costs, including, without limitation:

(a) A reduction in the need for the additional generation of electricity during periods of peak demand;

(b) A reduction in line losses;

(c) The benefits and costs related to ancillary services;

(d) Avoided costs for additional generation, transmission and generation capacity;

(e) The benefits arising from a reduction of greenhouse gas emissions and the emission of other air pollutants;

(f) The benefits and costs related to voltage support;

(g) The benefits of diversifying the types of resources used for the generation of electricity;

(h) The administrative costs incurred by the electric utility;

(i) The cost to the electric utility of the integration of energy storage systems into the transmission and distribution grid; and

(j) The cost of energy storage systems.

Senator Harris moved that the Senate do not concur in Assembly Amendment No. 640 to Senate Bill No. 328.

Remarks by Senator Harris.

Amendment No. 640 to Senate Bill No. 328 revises the definition of "energy storage system" to an "electrochemical energy storage system." It requires the PUCN to set energy-storage targets that deliver the greatest benefit in relation to the costs and includes factors to consider when making this decision.

Motion carried.

Bill ordered transmitted to the Assembly.

SECOND READING AND AMENDMENT

Senate Bill No. 440.

Bill read second time.

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

Amendment No. 756.

SUMMARY—Creates a sales tax holiday for certain members of the Nevada National Guard and certain relatives of such members. (BDR 32-1111)

AN ACT relating to taxation; revising the eligibility requirements for an exemption from sales and use taxes for certain members of the Nevada

National Guard and certain relatives of such members; creating an exemption from sales and use taxes for purchases during a certain period by certain members of the Nevada National Guard who reside in this State and certain relatives of such members; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides an exemption from certain sales and use taxes for members of the Nevada National Guard called into active service and for certain relatives of such members of the Nevada National Guard. (NRS 372.7281, 374.7285) The Department of Taxation is required to issue a letter of exemption to a person who the Department determines is eligible for such an exemption from taxation. (NRS 372.7282, 374.7286) Sections 1 and 3 of this bill revise the eligibility requirements for this exemption so that it is available to members of the Nevada National Guard who have been called into active duty for a period of more than 30 days outside of the United States and the relatives of such members. Sections 2 and 4 of this bill provide that a letter of exemption issued to such members or their relatives expires 30 days after the member returns to the United States.

Sections 1 and 3 also provide an exemption from sales and use taxes on purchases of tangible personal property by members of the Nevada National Guard who are on active status and who are residents of this State and certain relatives of such members of the Nevada National Guard if the purchase occurs on the date on which Nevada Day is observed or the immediately following Saturday or Sunday. Sections 2 and 4 require an application for a letter of exemption for such an exemption to be filed not later than 30 days before the date on which Nevada Day is observed or such other deadline as the Department may establish by regulation, provided that any such deadline may not be earlier than 45 days before Nevada Day is observed. Sections 2 and 4 establish that a letter of exemption issued for such an exemption expires on December 31 of the year it is issued but may be renewed.

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

Section 1. NRS 372.7281 is hereby amended to read as follows:

372.7281 In administering the provisions of NRS 372.325, the Department shall apply the exemption for the sale of tangible personal property to the State of Nevada, its unincorporated agencies and instrumentalities to include all tangible personal property that is sold to:

1. A member of the Nevada National Guard who ~~[is engaged in full-time National Guard duty, as defined in 10 U.S.C. § 101(d)(5), and]~~ has been called into active ~~[service.]~~ *duty for a period of more than 30 days, as defined in 10 U.S.C. § 101(d)(2), outside of the United States.*

2. A relative of a member of the Nevada National Guard eligible for the exemption pursuant to subsection 1 who:

(a) Resides in the same home or dwelling in this State as the member; and

(b) Is related by blood, adoption or marriage within the first degree of consanguinity or affinity to the member.

3. A relative of a deceased member of the Nevada National Guard who was ~~[engaged in full-time National Guard duty, as defined in 10 U.S.C. § 101(d)(5), and who was]~~ killed while performing his or her duties as a member of the Nevada National Guard during a period when the member was called into active ~~[service.]~~ *duty, as defined in 10 U.S.C. § 101(d)(1).* To be eligible under this subsection, the relative must be a person who:

(a) Resided in the same house or dwelling in this State as the deceased member; and

(b) Was related by blood, adoption or marriage within the first degree of consanguinity or affinity to the deceased member.

4. A member of the Nevada National Guard who is on active status, as defined in 10 U.S.C. § 101(d)(4), and who is a resident of this State, if the sale occurs on the date on which Nevada Day is observed pursuant to NRS 236.015 or the Saturday or Sunday immediately following that day.

5. A relative of a member of the Nevada National Guard eligible for the exemption pursuant to subsection 4 who:

(a) Resides in the same home or dwelling in this State as the member; and

(b) Is related by blood, adoption or marriage within the first degree of consanguinity or affinity to the member,

➥ if the sale occurs on the date on which Nevada Day is observed pursuant to NRS 236.015 or the Saturday or Sunday immediately following that day.

Sec. 2. NRS 372.7282 is hereby amended to read as follows:

372.7282 1. A person who wishes to claim an exemption pursuant to NRS 372.7281 must file an application with the Department to obtain a letter of exemption. The application must be on a form and contain such information as is required by the Department. *A person who wishes to claim an exemption pursuant to subsection 4 or 5 of NRS 372.7281 must file the application not later than 30 days before the date on which Nevada Day is observed pursuant to NRS 236.015, unless a different deadline is specified by the Department by regulation, provided that any deadline established by the Department must not be earlier than 45 days before the date on which Nevada Day is observed.*

2. If the Department determines that a person is eligible for the exemption provided pursuant to NRS 372.7281, the Department shall issue a letter of exemption to the person. A letter of exemption issued to a member of the Nevada National Guard described in subsection 1 of NRS 372.7281 or a relative of a member described in subsection 2 of NRS 372.7281 expires ~~[on the date on which the person no longer meets the qualifications for eligibility.]~~ *30 days after the member of the Nevada National Guard returns to the United States.* A letter of exemption issued to a relative of a deceased member of the Nevada National Guard described in subsection 3 of NRS 372.7281 expires on the date 3 years after the date of the death of the member. *A letter of exemption issued to a member of the Nevada National Guard described in subsection 4 of NRS 372.7281 or a relative of a member described in*

subsection 5 of NRS 372.7281 expires on December 31 of the year it is issued but may be renewed.

3. To claim an exemption pursuant to NRS 372.7281 for the sale of tangible personal property to such a person:

(a) The person must provide a copy of the letter of exemption to the retailer from whom the person purchases the property; and

(b) The retailer must retain and present upon request a copy of the letter of exemption to the Department.

4. The Department shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 3. NRS 374.7285 is hereby amended to read as follows:

374.7285 In administering the provisions of NRS 374.330, the Department shall apply the exemption for the sale of tangible personal property to the State of Nevada, its unincorporated agencies and instrumentalities to include all tangible personal property that is sold to:

1. A member of the Nevada National Guard who ~~[is engaged in full-time National Guard duty, as defined in 10 U.S.C. § 101(d)(5), and]~~ has been called into active ~~[service.]~~ *duty for a period of more than 30 days, as defined in 10 U.S.C. § 101(d)(2), outside of the United States.*

2. A relative of a member of the Nevada National Guard eligible for the exemption pursuant to subsection 1 who:

(a) Resides in the same home or dwelling in this State as the member; and

(b) Is related by blood, adoption or marriage within the first degree of consanguinity or affinity to the member.

3. A relative of a deceased member of the Nevada National Guard who was ~~[engaged in full-time National Guard duty, as defined in 10 U.S.C. § 101(d)(5), and who was]~~ killed while performing his or her duties as a member of the Nevada National Guard during a period when the member was called into active ~~[service.]~~ *duty, as defined in 10 U.S.C. § 101(d)(1).* To be eligible under this subsection, the relative must be a person who:

(a) Resided in the same house or dwelling in this State as the deceased member; and

(b) Was related by blood, adoption or marriage within the first degree of consanguinity or affinity to the deceased member.

4. A member of the Nevada National Guard who is on active status, as defined in 10 U.S.C. § 101(d)(4), and who is a resident of this State, if the sale occurs on the date on which Nevada Day is observed pursuant to NRS 236.015 or the Saturday or Sunday immediately following that day.

5. A relative of a member of the Nevada National Guard eligible for the exemption pursuant to subsection 4 who:

(a) Resides in the same home or dwelling in this State as the member; and

(b) Is related by blood, adoption or marriage within the first degree of consanguinity to the member,

➥ if the sale occurs on the date on which Nevada Day is observed pursuant to NRS 236.015 or the Saturday or Sunday immediately following that day:

Sec. 4. NRS 374.7286 is hereby amended to read as follows:

374.7286 1. A person who wishes to claim an exemption pursuant to NRS 374.7285 must file an application with the Department to obtain a letter of exemption. The application must be on a form and contain such information as is required by the Department. *A person who wishes to claim an exemption pursuant to subsection 4 or 5 of NRS 374.7285 must file the application not later than 30 days before the date on which Nevada Day is observed pursuant to NRS 236.015, unless a different deadline is specified by the Department by regulation, provided that any deadline established by the Department must not be earlier than 45 days before the date on which Nevada Day is observed.*

2. If the Department determines that a person is eligible for the exemption provided pursuant to NRS 374.7285, the Department shall issue a letter of exemption to the person. A letter of exemption issued to a member of the Nevada National Guard described in subsection 1 of NRS 374.7285 or a relative of a member described in subsection 2 of NRS 374.7285 expires ~~[on the date on which the person no longer meets the qualifications for eligibility.]~~ *30 days after the member of the Nevada National Guard returns to the United States.* A letter of exemption issued to a relative of a deceased member of the Nevada National Guard described in subsection 3 of NRS 374.7285 expires on the date 3 years after the date of the death of the member. *A letter of exemption issued to a member of the Nevada National Guard described in subsection 4 of NRS 374.7285 or a relative of a member described in subsection 5 of NRS 374.7285 expires on December 31 of the year it is issued but may be renewed.*

3. To claim an exemption pursuant to NRS 374.7285, for the sale of tangible personal property to such a person:

(a) The person must provide a copy of the letter of exemption to the retailer from whom the person purchases the property; and

(b) The retailer must retain and present upon request a copy of the letter of exemption to the Department.

4. The Department shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 5. 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. 5.5. In accordance with Section 6 of Article 10 of the Nevada Constitution, the Legislature hereby finds that the exemption provided by this act from any excise tax on the sale, storage, use or consumption of tangible personal property sold at retail:

1. Will achieve a bona fide social or economic purpose and that the benefits of the exemption are expected to exceed any adverse effect of the exemption on the provision of services to the public by the State or a local

government that would otherwise receive revenue from the tax from which the exemption would be granted; and

2. Will not impair adversely the ability of the State or a local government to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from the tax from which the exemption would be granted was pledged.

Sec. 6. This act becomes effective on July 1, 2021 [.] , and expires by limitation on June 30, 2031.

Senator Neal moved the adoption of the amendment.

Remarks by Senator Neal.

Amendment No. 756 to Senate Bill No. 440 makes the following two changes: provisions are added to Article 10 of the *Nevada Constitution* which requires the Legislature to make certain findings to provide the exemption and the effective date section is revised to provide it expires per limitation of June 30, 2031.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 451.

Bill read second time and ordered to third reading.

Senate Bill No. 456.

Bill read second time and ordered to third reading.

Senate Bill No. 458.

Bill read second time and ordered to third reading.

Assembly Bill No. 121.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 759.

[ASSEMBLYWOMAN] ASSEMBLYMEN COHEN; ANDERSON, BILBRAY-AXELROD, BROWN-MAY, CARLTON, DURAN, FLORES, FRIERSON, GONZÁLEZ, GORELOW, JAUREGUI, MARTINEZ, MARZOLA, BRITTNEY MILLER, C.H. MILLER, MONROE-MORENO, NGUYEN, ORENTLICHER, PETERS, SUMMERS-ARMSTRONG, THOMAS, TORRES, WATTS AND YEAGER; JOINT SPONSORS: SENATORS OHRENSCHALL, SPEARMAN AND LANGE.

SUMMARY—Revises certain provisions relating to elections. (BDR 24-774)

AN ACT relating to elections; requiring the Secretary of State to allow an elector with a disability to register to vote and a registered voter with a disability to request and cast an absent ballot using the system of approved electronic transmission established for certain uniformed military and overseas voters; setting forth certain requirements for such an elector or registered voter to use the system of approved electronic transmission; eliminating the requirement to cancel a person's voter registration if a person changes his or her party affiliation; revising the deadline by which certain uniformed military

and overseas voters may submit an application to register to vote or a request for a military-overseas ballot; making various other changes related to the system of approved electronic transmission established for certain uniformed military and overseas voters; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Secretary of State to establish a system of approved electronic transmission through which certain uniformed military and overseas voters may register to vote, apply for a military-overseas ballot and cast a military-overseas ballot. (NRS 293D.200) Section 1 of this bill requires the Secretary of State to allow the system of approved electronic transmission to be used by: (1) an elector with a disability to register to vote; and (2) a registered voter with a disability to apply for and cast an absent ballot. Section 1 also requires the system of approved electronic transmission to allow such an elector or registered voter to provide his or her digital or electronic signature on any document or other material that is necessary for the elector to register to vote or the registered voter to apply for and cast an absent ballot. Section 1 further requires the Secretary of State to prescribe procedures to be used by local elections officials in accepting, handling and counting absent ballots received from a registered voter with a disability using the system of approved electronic transmission.

Sections 2-12 of this bill make conforming changes related to allowing the use of the system of approved electronic transmission by an elector with a disability to register to vote and a registered voter with a disability to request and cast an absent ballot.

Existing law authorizes certain uniformed military and overseas voters to: (1) use a federal postcard application or the application's electronic equivalent to apply to register to vote; or (2) use the declaration accompanying the federal write-in absentee ballot to apply to register to vote simultaneously with the submission of the federal write-in absentee ballot if the application or the declaration, as applicable, is received by the appropriate elections official by the seventh day before the election. (NRS 293D.230) Existing law further authorizes certain uniformed military and overseas voters to submit an application for a military-overseas ballot by the seventh day before the election. (NRS 293D.300, 293D.310) Existing law also requires a military-overseas ballot to be received by the appropriate local elections official not later than the close of the polls. (NRS 293D.400) Sections 13-16 of this bill provide that the deadline for certain uniformed military and overseas voters to: (1) submit a federal postcard application or the application's electronic equivalent to apply to register to vote; (2) submit the federal write-in absentee ballot and register to vote simultaneously using the declaration accompanying the federal write-in absentee ballot; or (3) apply for a military-overseas ballot and return the military-overseas ballot to the appropriate local elections official is the time set for closing the polls on election day pursuant to NRS 293.273, which is currently 7 p.m. As a result of

the changes made by sections 13-16, a person with a disability may also use the system of approved electronic transmission to register to vote, request an absent ballot and cast an absent ballot until the time set for closing the polls on election day.

Sections 1, 13 and 14 of this bill require a local elections official to time stamp the electronic equivalent of: (1) the federal postcard application; or (2) an application to register to vote and ballot cast by a person with a disability using the system of approved electronic transmission upon receipt.

Existing law requires the county clerk to cancel the registration of a person if he or she requests to affiliate with a political party or change his or her affiliation and provides that the person may reregister immediately. (NRS 293.540, 293.543) Sections 11.3 and 11.7 of this bill revise these provisions to remove the requirement for the county clerk to cancel the registration of a person who requests to affiliate or change his or her affiliation with a political party.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Secretary of State shall allow:

(a) An elector with a disability to use the system of approved electronic transmission established pursuant to NRS 293D.200 to register to vote in every election where the system of approved electronic transmission is available to a covered voter to register to vote, including, without limitation, an affected election. The deadline for an elector with a disability to use the system of approved electronic transmission to register to vote is the same as the deadline set forth in NRS 293D.230 for a covered voter to register to vote.

(b) A registered voter with a disability to use the system of approved electronic transmission established pursuant to NRS 293D.200 to apply for and cast an absent ballot in every election where the system of approved electronic transmission is available to a covered voter to request and cast a military-overseas ballot, including, without limitation, an affected election. The deadlines for a registered voter with a disability to use the system of approved electronic transmission to request and cast an absent ballot are the same as the deadlines set forth in NRS 293D.310 and 293D.400 for a covered voter to request and cast a military-overseas ballot.

2. Upon receipt of an application and ballot cast by a person with a disability using the system of approved electronic transmission established pursuant to NRS 293D.200, the local elections official shall affix, mark or otherwise acknowledge receipt of the application and ballot by means of a time stamp on the application.

3. The Secretary of State shall ensure that an elector with a disability or a registered voter with a disability may provide his or her digital signature or electronic signature on any document or other material that is necessary for

the elector or registered voter to register to vote, apply for an absent ballot or cast an absent ballot, as applicable.

~~[3.]~~ 4. The Secretary of State shall prescribe the form and content of a declaration for use by an elector with a disability or a registered voter with a disability to swear or affirm specific representations pertaining to identity, eligibility to vote, status as such an elector or registered voter and timely and proper completion of an absent ballot.

~~[4.]~~ 5. The Secretary of State shall prescribe the duties of the county clerk upon receipt of an absent ballot sent by a registered voter with a disability using the system of approved electronic transmission, including, without limitation, the procedures to be used in accepting, handling and counting the absent ballot.

~~[5.]~~ 6. The Secretary of State shall make available to an elector with a disability or a registered voter with a disability information regarding instructions on using the system for approved electronic transmission to register to vote and apply for and cast an absent ballot.

~~[6.]~~ 7. The Secretary of State shall adopt any regulation necessary to carry out the provisions of this section.

~~[7.]~~ 8. As used in this section:

(a) "Affected election" has the meaning ascribed to it in NRS 293.8811.

(b) "Covered voter" has the meaning ascribed to it in NRS 293D.030.

(c) "Digital signature" has the meaning ascribed to it in NRS 720.060.

(d) "Electronic signature" has the meaning ascribed to it in NRS 719.100.

(e) "Military-overseas ballot" has the meaning ascribed to it in NRS 293D.050.

Sec. 2. NRS 293.250 is hereby amended to read as follows:

293.250 1. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:

(a) The form of all ballots, absent ballots, diagrams, sample ballots, certificates, notices, declarations, applications to preregister and register to vote, lists, applications, registers, rosters, statements and abstracts required by the election laws of this State.

(b) The procedures to be followed and the requirements of:

(1) A system established pursuant to NRS 293.506 for using a computer to register voters and to keep records of registration.

(2) The system established by the Secretary of State pursuant to NRS 293.671 for using a computer to register voters.

(3) The use of the system of approved electronic transmission established pursuant to NRS 293D.200 by electors and voters with disabilities pursuant to section 1 of this act.

2. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall prescribe with respect to the matter to be printed on every kind of ballot:

(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.

(b) The listing of all other candidates required to file with the Secretary of State, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his or her county.

3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.

4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held. The explanations must include a digest. The digest must include a concise and clear summary of any existing laws directly related to the constitutional amendment or statewide measure and a summary of how the constitutional amendment or statewide measure adds to, changes or repeals such existing laws. For a constitutional amendment or statewide measure that creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest must include a statement that the constitutional amendment or statewide measure creates, generates, increases or decreases, as applicable, public revenue.

6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.

7. A county clerk:

(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

Sec. 3. NRS 293.313 is hereby amended to read as follows:

293.313 1. Except as otherwise provided in *subsection 2 and* NRS 293.272, 293.316, 293.3165 and 293.502, a registered voter may request

an absent ballot if, before 5 p.m. on the 14th calendar day preceding the election, the registered voter:

(a) Provides sufficient written notice to the county clerk; and

(b) Has identified himself or herself to the satisfaction of the county clerk.

2. *A registered voter with a disability may use the system for approved electronic transmission established by the Secretary of State pursuant to subsection 2 of NRS 293D.200 to request an absent ballot in accordance with section 1 of this act.*

3. A registered voter may request an absent ballot for all elections held during the year he or she requests an absent ballot.

~~[3.]~~ *4.* A county clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as a request for an absent ballot for the primary and general elections immediately following the date on which the county clerk received the request.

~~[4.]~~ *5.* It is unlawful for a person fraudulently to request an absent ballot in the name of another person or to induce or coerce another person fraudulently to request an absent ballot in the name of another person. A person who violates this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 4. NRS 293.317 is hereby amended to read as follows:

293.317 1. Except as otherwise provided in this section, subsection 2 of NRS 293.323 and NRS 293D.200, *and section 1 of this act,* absent ballots, including special absent ballots, must be:

(a) Delivered by hand to the county clerk before the time set for closing of the polls pursuant to NRS 293.273; or

(b) Mailed to the county clerk and:

(1) Postmarked on or before the day of election; and

(2) Received by the county clerk not later than 5 p.m. on the seventh day following the election.

2. If an absent ballot is received by mail not later than 5 p.m. on the third day following the election and the date of the postmark cannot be determined, the absent ballot shall be deemed to have been postmarked on or before the day of the election.

Sec. 5. NRS 293.325 is hereby amended to read as follows:

293.325 1. Except as otherwise provided in NRS 293D.200, *and section 1 of this act,* when an absent ballot is returned by or on behalf of an absent voter to the county clerk through the mail, by facsimile machine or other approved electronic transmission or in person, and a record of its return is made in the absent ballot record for the election, the county clerk or an employee in the office of the county clerk shall check the signature used for the absent ballot in accordance with the following procedure:

(a) The county clerk or employee shall check the signature used for the absent ballot against all signatures of the voter available in the records of the county clerk.

(b) If at least two employees in the office of the county clerk believe there is a reasonable question of fact as to whether the signature used for the absent ballot matches the signature of the voter, the county clerk shall contact the voter and ask the voter to confirm whether the signature used for the absent ballot belongs to the voter.

2. For purposes of subsection 1:

(a) There is a reasonable question of fact as to whether the signature used for the absent ballot matches the signature of the voter if the signature used for the absent ballot differs in multiple, significant and obvious respects from the signatures of the voter available in the records of the county clerk.

(b) There is not a reasonable question of fact as to whether the signature used for the absent ballot matches the signature of the voter if:

(1) The signature used for the absent ballot is a variation of the signature of the voter caused by the substitution of initials for the first or middle name or the use of a common nickname and it does not otherwise differ in multiple, significant and obvious respects from the signatures of the voter available in the records of the county clerk; or

(2) There are only slight dissimilarities between the signature used for the absent ballot and the signatures of the voter available in the records of the county clerk.

3. Except as otherwise provided in subsection 4, if the county clerk determines that the absent voter is entitled to cast the absent ballot and:

(a) No absent ballot central counting board has been appointed, the county clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the appropriate election board.

(b) An absent ballot central counting board has been appointed, the county clerk shall deposit the absent ballot in the proper ballot box or place the absent ballot, unopened, in a container that must be securely locked or under the control of the county clerk at all times. At the end of each day before election day, the county clerk may remove the absent ballots from each ballot box, neatly stack the absent ballots in a container and seal the container with a numbered seal. Not earlier than 15 days before the election, the county clerk shall deliver the absent ballots to the absent ballot central counting board to be processed and prepared for counting pursuant to the procedures established by the Secretary of State to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293.273 or 293.305.

4. If the county clerk determines when checking the signature used for the absent ballot that the absent voter failed to affix his or her signature or failed to affix it in the manner required by law for the absent ballot or that there is a reasonable question of fact as to whether the signature used for the absent ballot matches the signature of the voter, but the voter is otherwise entitled to cast the absent ballot, the county clerk shall contact the voter and advise the voter of the procedures to provide a signature or a confirmation that the signature used for the absent ballot belongs to the voter, as applicable. For the

absent ballot to be counted, the voter must provide a signature or a confirmation, as applicable, not later than 5 p.m. on the seventh day following the election or, if applicable, the ninth day following an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive.

5. The county clerk shall prescribe procedures for an absent voter who failed to affix his or her signature or failed to affix it in the manner required by law for the absent ballot, or for whom there is a reasonable question of fact as to whether the signature used for the absent ballot matches the signature of the voter, in order to:

(a) Contact the voter;

(b) Allow the voter to provide a signature or a confirmation that the signature used for the absent ballot belongs to the voter, as applicable; and

(c) After a signature or a confirmation is provided, as applicable, ensure the absent ballot is delivered to the appropriate election board or the absent ballot central counting board, as applicable.

6. The procedures established pursuant to subsection 5 for contacting an absent voter must require the county clerk to contact the voter, as soon as possible after receipt of the absent ballot, by:

(a) Mail;

(b) Telephone, if a telephone number for the voter is available in the records of the county clerk; and

(c) Electronic mail, if the voter has provided the county clerk with sufficient information to contact the voter by such means.

Sec. 6. NRS 293.330 is hereby amended to read as follows:

293.330 1. Except as otherwise provided in this section, subsection 2 of NRS 293.323, NRS 293.329 and chapter 293D of NRS, *and section 1 of this act*, in order to vote an absent ballot, the absent voter must, in accordance with the instructions:

(a) Mark and fold the absent ballot;

(b) Deposit the absent ballot in the return envelope and seal the return envelope;

(c) Affix his or her signature on the return envelope in the space provided for the signature; and

(d) Mail or deliver the return envelope in a manner authorized by law.

2. Except as otherwise provided in subsection 3, if a voter who has requested an absent ballot by mail applies to vote the absent ballot in person at:

(a) The office of the county clerk, the voter must mark and fold the absent ballot, deposit it in the return envelope and seal the return envelope and affix his or her signature in the same manner as provided in subsection 1, and deliver the return envelope to the clerk.

(b) A polling place, including, without limitation, a polling place for early voting, the voter must surrender the absent ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Cancelled."

3. If a voter who has requested an absent ballot by mail applies to vote in person at the office of the county clerk or a polling place, including, without limitation, a polling place for early voting, and the voter does not have the absent ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:

(a) Provides satisfactory identification;

(b) Is a registered voter who is otherwise entitled to vote; and

(c) Signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.

4. Except as otherwise provided in subsection 5, at the request of a voter whose absent ballot has been prepared by or on behalf of the voter for an election, a person authorized by the voter may return the absent ballot on behalf of the voter by mail or personal delivery to the county clerk.

5. Except for an election board officer in the course of the election board officer's official duties, a person shall not willfully:

(a) Impede, obstruct, prevent or interfere with the return of a voter's absent ballot;

(b) Deny a voter the right to return the voter's absent ballot; or

(c) If the person receives the voter's absent ballot and authorization to return the absent ballot on behalf of the voter by mail or personal delivery, fail to return the absent ballot, unless otherwise authorized by the voter, by mail or personal delivery:

(1) Before the end of the third day after the day of receipt, if the person receives the absent ballot from the voter four or more days before the day of the election; or

(2) Before the deadline established by the United States Postal Service for the absent ballot to be postmarked on the day of the election or before the polls close on the day of the election, as applicable to the type of delivery, if the person receives the absent ballot from the voter three or fewer days before the day of the election.

6. A person who violates any provision of subsection 5 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 7. NRS 293.333 is hereby amended to read as follows:

293.333 1. Except as otherwise provided in NRS 293D.200, *and section 1 of this act,* on the day of an election, the election boards receiving the absent ballots from the county clerk shall, in the presence of a majority of the election board officers, remove the absent ballots from the ballot box and the containers in which the absent ballots were transported pursuant to NRS 293.325 and deposit the absent ballots in the regular ballot box in the following manner:

(a) The name of the voter, as shown on the return envelope or approved electronic transmission, must be checked as if the voter were voting in person;

(b) The signature used for the absent ballot must be checked in accordance with the procedure set forth in NRS 293.325;

(c) If the board determines that the voter is entitled to cast the absent ballot, the return envelope must be opened, the numbers on the absent ballot and return envelope or approved electronic transmission compared, the number strip or stub detached from the absent ballot and, if the numbers are the same, the absent ballot deposited in the regular ballot box; and

(d) The election board officers shall indicate in the roster "Voted" by the name of the voter.

2. The board must complete the count of all absent ballots on or before the seventh day following the election or, if applicable, the ninth day following an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive.

Sec. 8. NRS 293.335 is hereby amended to read as follows:

293.335 When all absent ballots delivered to the election boards have been voted or rejected, except as otherwise provided in NRS 293D.200, *and section 1 of this act*, the empty envelopes and the envelopes and approved electronic transmissions containing rejected ballots must be returned to the county clerk. On all envelopes and approved electronic transmissions containing rejected ballots the cause of rejection must be noted and the envelope or approved electronic transmission signed by a majority of the election board officers.

Sec. 9. NRS 293.340 is hereby amended to read as follows:

293.340 1. In counties in which an absent ballot central counting board is appointed the county clerk shall provide a ballot box in the county clerk's office for each different ballot listing in the county.

2. On each such box there must appear a statement indicating the precincts and district for which such box has been designated.

3. Except as otherwise provided in NRS 293D.200, *and section 1 of this act*, each absent ballot voted must be deposited in a ballot box according to the precinct or district of the absent voter voting such ballot.

Sec. 10. NRS 293.469 is hereby amended to read as follows:

293.469 Each county clerk is encouraged to:

1. Not later than the earlier date of the notice provided pursuant to NRS 293.203 or the first notice provided pursuant to subsection 3 of NRS 293.560, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293.2955, 293.296, 293.313, 293.316 and 293.3165 ~~[.]~~ *and section 1 of this act.*

2. Provide in alternative audio and visual formats information concerning elections, information concerning how to preregister or register to vote and information concerning the manner of voting for use by a person who is elderly or disabled, including, without limitation, providing such information through a telecommunications device that is accessible to a person who is deaf.

3. Not later than 5 working days after receiving the request of a person who is elderly or disabled, provide to the person, in a format that can be used by the person, any requested material that is:

(a) Related to elections; and

(b) Made available by the county clerk to the public in printed form.

Sec. 11. NRS 293.517 is hereby amended to read as follows:

293.517 1. Any person who meets the qualifications set forth in NRS 293.4855 residing within the county may preregister to vote and any elector residing within the county may register to vote:

(a) Except as otherwise provided in NRS 293.560 and 293C.527, by appearing before the county clerk, a field registrar or a voter registration agency, completing the application to preregister or register to vote, giving true and satisfactory answers to all questions relevant to his or her identity and right to preregister or register to vote, and providing proof of residence and identity;

(b) By completing and mailing or personally delivering to the county clerk an application to preregister or register to vote pursuant to the provisions of NRS 293.5235;

(c) Pursuant to the provisions of NRS 293.5727 or 293.5742 or chapter 293D of NRS ~~[,]~~ *or section 1 of this act;*

(d) At his or her residence with the assistance of a field registrar pursuant to NRS 293.5237;

(e) By submitting an application to preregister or register to vote by computer using the system:

(1) Established by the Secretary of State pursuant to NRS 293.671; or

(2) Established by the county clerk, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters; or

(f) By any other method authorized by the provisions of this title.

➥ The county clerk shall require a person to submit official identification as proof of residence and identity, such as a driver's license or other official document, before preregistering or registering the person. If the applicant preregisters or registers to vote pursuant to this subsection and fails to provide proof of residence and identity, the applicant must provide proof of residence and identity before casting a ballot in person or by mail or after casting a provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive. For the purposes of this subsection, a voter registration card does not provide proof of the residence or identity of a person.

2. In addition to the methods for registering to vote described in subsection 1, an elector may register to vote pursuant to NRS 293.5772 to 293.5887, inclusive.

3. Except as otherwise provided in NRS 293.5732 to 293.5757, inclusive, the application to preregister or register to vote must be signed and verified under penalty of perjury by the person preregistering or the elector registering.

4. Each person or elector who is or has been married must be preregistered or registered under his or her own given or first name, and not under the given or first name or initials of his or her spouse.

5. A person or an elector who is preregistered or registered and changes his or her name must complete a new application to preregister or register to vote, as applicable. The person or elector may obtain a new application:

(a) At the office of the county clerk or field registrar;

(b) By submitting an application to preregister or register to vote pursuant to the provisions of NRS 293.5235;

(c) By submitting a written statement to the county clerk requesting the county clerk to mail an application to preregister or register to vote;

(d) At any voter registration agency; or

(e) By submitting an application to preregister or register to vote by computer using the system:

(1) Established by the Secretary of State pursuant to NRS 293.671; or

(2) Established by the county clerk, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.

➥ If the elector fails to register under his or her new name, the elector may be challenged pursuant to the provisions of NRS 293.303 or 293C.292 and may be required to furnish proof of identity and subsequent change of name.

6. Except as otherwise provided in subsection 8 and NRS 293.5742 to 293.5757, inclusive, 293.5767 and 293.5772 to 293.5887, inclusive, an elector who registers to vote pursuant to paragraph (a) of subsection 1 shall be deemed to be registered upon the completion of an application to register to vote.

7. After the county clerk determines that the application to register to vote of a person is complete and that, except as otherwise provided in NRS 293D.210, the person is eligible to vote pursuant to NRS 293.485, the county clerk shall issue a voter registration card to the voter.

8. If a person or an elector submits an application to preregister or register to vote or an affidavit described in paragraph (c) of subsection 1 of NRS 293.507 that contains any handwritten additions, erasures or interlineations, the county clerk may object to the application if the county clerk believes that because of such handwritten additions, erasures or interlineations, the application is incomplete or that, except as otherwise provided in NRS 293D.210, the person is not eligible to preregister pursuant to NRS 293.4855 or the elector is not eligible to vote pursuant to NRS 293.485, as applicable. If the county clerk objects pursuant to this subsection, he or she shall immediately notify the person or elector, as applicable, and the district attorney of the county. Not later than 5 business days after the district attorney receives such notification, the district attorney shall advise the county clerk as to whether:

(a) The application is complete and, except as otherwise provided in NRS 293D.210, the person is eligible to preregister pursuant to NRS 293.4855 or the elector is eligible to vote pursuant to NRS 293.485; and

(b) The county clerk should proceed to process the application.

9. If the district attorney advises the county clerk to process the application pursuant to subsection 8, the county clerk shall immediately issue a voter registration card to the applicant, unless the applicant is preregistered to vote and does not currently meet the requirements to be issued a voter registration card pursuant to NRS 293.4855.

Sec. 11.3. NRS 293.540 is hereby amended to read as follows:

293.540 1. The county clerk shall cancel the preregistration of a person:

(a) If the county clerk has personal knowledge of the death of the person or if an authenticated certificate of the death of the person is filed in the county clerk's office.

(b) At the request of the person.

(c) If the county clerk has discovered an incorrect preregistration pursuant to the provisions of NRS 293.5235 and the person has failed to respond within the required time.

(d) As required by NRS 293.541.

(e) Upon verification that the application to preregister to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk's office.

2. The county clerk shall cancel the registration of a person:

(a) If the county clerk has personal knowledge of the death of the person or if an authenticated certificate of the death of the person is filed in the county clerk's office.

(b) If the county clerk is provided a certified copy of a court order stating that the court specifically finds by clear and convincing evidence that the person lacks the mental capacity to vote because he or she cannot communicate, with or without accommodations, a specific desire to participate in the voting process.

(c) Upon the determination that the person has been convicted of a felony and is currently incarcerated.

(d) Upon the production of a certified copy of the judgment of any court directing the cancellation to be made.

(e) ~~[Upon the request of any registered voter to affiliate with any political party or to change affiliation, if that change is made before the end of the last day to register to vote in the election.~~

~~(f)]~~ At the request of the person.

~~[(g)]~~ *(f)* If the county clerk has discovered an incorrect registration pursuant to the provisions of NRS 293.5235, 293.530 or 293.535 and the elector has failed to respond or appear to vote within the required time.

~~[(h)]~~ *(g)* As required by NRS 293.541.

~~[(i)]~~ *(h)* Upon verification that the application to register to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk's office.

Sec. 11.7. NRS 293.543 is hereby amended to read as follows:

293.543 1. If the registration of an elector is cancelled pursuant to paragraph (b) of subsection 2 of NRS 293.540, the county clerk shall reregister the elector upon notice from the clerk of the district court that the elector has been found by the district court to have the mental capacity to vote. The court must include the finding in a court order and, not later than 30 days after issuing the order, provide a certified copy of the order to the county clerk of the county in which the person is a resident and to the Office of the Secretary of State.

2. If the registration of an elector is cancelled pursuant to paragraph (c) of subsection 2 of NRS 293.540, the elector may reregister upon release from prison.

3. ~~[If the registration of an elector is cancelled pursuant to the provisions of paragraph (e) of subsection 2 of NRS 293.540, the elector may reregister immediately.~~

~~4.]~~ If the registration of an elector is cancelled pursuant to the provisions of paragraph ~~[(f)]~~ *(e)* of subsection 2 of NRS 293.540, after the close of registration for a primary election, the elector may not reregister until after the primary election.

~~[5.]~~ *4.* A county clerk shall not require an elector to present evidence, including without limitation, a court order or any other document, to prove that the elector satisfies the requirements of subsection 2.

Sec. 12. NRS 293.560 is hereby amended to read as follows:

293.560 1. Except as otherwise provided in NRS 293.502, 293.5772 to 293.5887, inclusive, 293D.230 and 293D.300 ~~[:]~~ *and section 1 of this act:*

(a) For a primary or general election, or a recall or special election that is held on the same day as a primary or general election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary or general election.

(2) By appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035, is the fourth Tuesday preceding the primary or general election.

(3) By computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters, is the Thursday preceding the primary or general election, unless the system is used to register voters for the election pursuant to NRS 293.5842 or 293.5847.

(4) By computer using the system established by the Secretary of State pursuant to NRS 293.671, is the Thursday preceding the primary or general election, unless the system is used to register voters for the election pursuant to NRS 293.5842 or 293.5847.

(b) If a recall or special election is not held on the same day as a primary or general election, the last day to register to vote for the recall or special election by any method of registration is the third Saturday preceding the recall or special election.

2. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, after the deadlines for the close of registration for a primary or general election set forth in subsection 1, no person may register to vote for the election.

3. Except for a recall or special election held pursuant to chapter 306 or 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:

(1) The day and time that each method of registration for the election, as set forth in subsection 1, will be closed; and

(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.

➥ If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the day that the last method of registration for the election, as set forth in subsection 1, will be closed.

4. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.

5. A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035.

Sec. 13. NRS 293D.230 is hereby amended to read as follows:

293D.230 1. In addition to any other method of registering to vote set forth in chapter 293 of NRS, a covered voter may use a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301(b)(2), or the application's electronic equivalent, to apply to register to vote, if the federal postcard application *or the application's electronic equivalent* is received by the appropriate local elections official ~~[by the seventh day]~~ before the ~~[election.]~~ *time set pursuant to NRS 293.273 for closing the polls on election day*. If the federal postcard application *or the application's electronic equivalent* is received after the ~~[seventh day before the election,]~~ *time set for closing the polls,* it must be treated as an application to register to vote for subsequent elections. *Upon receipt of the electronic equivalent of the federal postcard application pursuant to this subsection, the local elections official shall affix, mark or otherwise acknowledge receipt of the application by means of a time stamp on the application.*

2. A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20303, to apply to register to vote simultaneously with the submission of the federal write-in absentee ballot, if the declaration ~~[is]~~ *and the federal write-in absentee ballot are* received ~~[by the seventh day]~~ before the ~~[election.]~~ *time set pursuant to NRS 293.273 for closing the polls on election day.* If the declaration is received after the ~~[seventh day before the election,]~~ *time set for closing the polls,* it must be treated as an application to register to vote for subsequent elections.

3. The Secretary of State shall ensure that the system of approved electronic transmission described in subsection 2 of NRS 293D.200 is capable of accepting:

(a) Both a federal postcard application and any other approved electronic registration application sent to the appropriate local elections official; and

(b) A digital signature or an electronic signature of a covered voter on the documents described in paragraph (a).

4. The covered voter may use the system of approved electronic transmission or any other method set forth in chapter 293 of NRS to register to vote.

Sec. 14. NRS 293D.300 is hereby amended to read as follows:

293D.300 1. A covered voter who is registered to vote in this State may apply for a military-overseas ballot by submitting a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301(b)(2), or the application's electronic equivalent, if the federal postcard application *or the application's electronic equivalent* is received by the appropriate local elections official ~~[by the seventh day]~~ before the ~~[election.]~~ *time set pursuant to NRS 293.273 for closing the polls on election day.*

2. A covered voter who is not registered to vote in this State may use the federal postcard application or the application's electronic equivalent simultaneously to apply to register to vote pursuant to NRS 293D.230 and to apply for a military-overseas ballot, if the federal postcard application *or the application's electronic equivalent* is received by the appropriate local elections official ~~[by the seventh day]~~ before the ~~[election.]~~ *time set pursuant to NRS 293.273 for closing the polls on election day.* If the federal postcard application is received after the ~~[seventh day before the election,]~~ *time set for closing the polls,* it must be treated as an application to register to vote for subsequent elections.

3. *Upon receipt of the electronic equivalent of the federal postcard application pursuant to subsection 1 or 2, the local elections official shall affix, mark or otherwise acknowledge receipt of the application by means of a time stamp on the application.*

4. The Secretary of State shall ensure that the system of approved electronic transmission described in subsection 2 of NRS 293D.200 is capable of accepting the submission of:

(a) Both a federal postcard application and any other approved electronic military-overseas ballot application sent to the appropriate local elections official; and

(b) A digital signature or an electronic signature of a covered voter on the documents described in paragraph (a).

~~[4.]~~ *5.* A covered voter may use approved electronic transmission or any other method approved by the Secretary of State to apply for a military-overseas ballot.

~~[5.]~~ *6.* A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20303, as an application for a military-overseas ballot simultaneously with the submission of the federal

write-in absentee ballot, if the declaration ~~[is]~~ *and the federal write-in absentee ballot are* received by the appropriate local elections official ~~[by the seventh day]~~ before the ~~[election.]~~ *time set pursuant to NRS 293.273 for closing the polls on election day.*

~~[6.]~~ *7.* To receive the benefits of this chapter, a covered voter must inform the appropriate local elections official that he or she is a covered voter. Methods of informing the appropriate local elections official that a person is a covered voter include, without limitation:

(a) The use of a federal postcard application or federal write-in absentee ballot;

(b) The use of an overseas address on an approved voting registration application or ballot application; and

(c) The inclusion on an application to register to vote or an application for a military-overseas ballot of other information sufficient to identify that the person is a covered voter.

~~[7.]~~ *8.* This chapter does not prohibit a covered voter from applying for an absent ballot pursuant to the provisions of chapter 293 or 293C of NRS or voting in person.

Sec. 15. NRS 293D.310 is hereby amended to read as follows:

293D.310 An application for a military-overseas ballot is timely if received ~~[by the seventh day]~~ before the ~~[election.]~~ *time set pursuant to NRS 293.273 for closing the polls on election day.* An application for a military-overseas ballot for a primary election, whether or not timely, is effective as an application for a military-overseas ballot for the general election.

Sec. 16. NRS 293D.400 is hereby amended to read as follows:

293D.400 A military-overseas ballot must be received by the appropriate local elections official not later than the ~~[close of]~~ *time set pursuant to NRS 293.273 for closing* the polls ~~[.]~~ *on election day.*

Sec. 17. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 16, inclusive, of this act become effective:

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

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

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senator Ohrenschall.

Amendment No. 759 to Assembly Bill No. 121 specifies that upon receipt of an application to register to vote or a ballot cast using a system of approved electronic transmission, the election official shall affix, mark or acknowledge receipt of that application or ballot with a time stamp. This applies to a person with a disability or a "covered" voter, a military overseas voter, who uses the electronic equivalent of an application or ballot. It deletes provisions in NRS that require the cancellation of a person's voter registration when that person requests a change in political party affiliation. This will allow such a change without having to fully reregister the voter. It adds several cosponsors to the bill.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 179.

The following Assembly amendment was read:

Amendment No. 636.

SUMMARY—Revises provisions relating to sign language interpreting and realtime captioning. (BDR 54-386)

AN ACT relating to interpreters; revising the activities for which registration as an interpreter or realtime captioning provider is required; revising the requirements and professional classifications for registration as an interpreter or realtime captioning provider; providing for the establishment of qualifications to serve as a professional mentor and additional professional classifications in the field of interpreting; revising certain terminology related to interpreting; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation of the practice of interpreting and the practice of realtime captioning by the Aging and Disability Services Division of the Department of Health and Human Services. (Chapter 656A of NRS) Existing law defines the term "practice of interpreting" to mean translating spoken language into certain visual or tactile representations of spoken language and vice versa. (NRS 656A.060) Section 6 of this bill: (1) changes the term "practice of interpreting" to "practice of sign language interpreting" and (2) amends the definition to mean interpreting or translating between any spoken language and certain visual or tactile representations of spoken language. Section 7 of this bill removes an exemption from provisions of existing law governing the practice of sign language interpreting and the practice of realtime captioning for persons who engage in the practice of sign language interpreting or the practice of realtime captioning solely for meetings of nonprofit civic organizations, thereby requiring, under certain circumstances, such persons to register with the Division to engage in the practice of sign language interpreting or the practice of realtime captioning, as applicable. (NRS 656A.070)

Existing law establishes requirements for an applicant for registration to engage in the practice of interpreting in: (1) a community setting as an apprentice level interpreter, a skilled interpreter or an advanced certified interpreter; and (2) an educational setting as an apprentice level, intermediate or advanced interpreter. (NRS 656A.100) Section 9 of this bill eliminates the apprentice, intermediate, skilled and advanced levels of interpreter and instead establishes qualifications for registration or provisional registration as an interpreter. Section 9 also: (1) requires an applicant for provisional registration to submit proof of ongoing participation in a program of professional development for interpreters and engagement with a professional mentor; and

(2) prohibits provisional registration in a professional classification for longer than ~~[3]~~ 5 years in total. Section 9 additionally eliminates a supplemental registration to practice in a legal or medical setting. Section 18 of this bill provides that an interpreter who is registered to engage in the practice of interpreting on July 1, 2021, but who does not meet the requirements for such a registration, as amended by section 9, must be issued a provisional registration that expires on July 1, ~~[2024.]~~ 2026. Sections 5 and 8 of this bill make conforming changes to reflect that interpreters may be either registered or provisionally registered.

Sections 1, 3, 4, 9 and 14-17 of this bill make revisions so that an interpreter must register to practice as an interpreter in: (1) a primary or secondary educational setting if the person wishes to facilitate communication relating to educational programming or other school activities provided through grade 12; and (2) a community setting if the person wishes to facilitate communication in any other setting, including a postsecondary educational setting, a legal setting or a medical setting. Section 10 of this bill: (1) requires the Division to adopt regulations prescribing qualifications for professional mentors; and (2) authorizes the Division to establish additional professional classifications of the practice of sign language interpreting.

Sections 9-12 of this bill replace the term "certification" with the term "credentialing" in provisions governing the qualifications of sign language interpreters and realtime captioning providers.

Existing law prohibits a person from holding himself or herself out as certified to engage in the practice of interpreting or the practice of realtime captioning unless he or she is registered with the Division. (NRS 656A.800) Section 13 of this bill removes the term "certified" and instead prohibits a person from holding himself or herself out as registered or provisionally registered to engage in the practice of sign language interpreting or registered to engage in the practice of realtime captioning unless he or she is registered or provisionally registered, as applicable, with the Division. Section 20 of this bill removes a definition of a term that is no longer used in the relevant portion of the Nevada Revised Statutes. Section 2 of this bill makes a conforming change to indicate the proper placement in the Nevada Revised Statutes of a new definition added by section 1.

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

Section 1. Chapter 656A of NRS is hereby amended by adding thereto a new section to read as follows:

"Postsecondary educational setting" means communication relating to participation by students in curricular or extracurricular programming provided by or through:

1. A university, college or community college within the Nevada System of Higher Education; or

2. A postsecondary educational institution, as defined in NRS 394.099.

Sec. 2. NRS 656A.020 is hereby amended to read as follows:

656A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 656A.023 to 656A.065, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.

Sec. 3. NRS 656A.027 is hereby amended to read as follows:

656A.027 "Community setting" means any setting that is not ~~[an]~~ *a primary or secondary* educational setting. The term includes, without limitation, *a postsecondary educational setting,* a legal setting and a medical setting.

Sec. 4. NRS 656A.029 is hereby amended to read as follows:

656A.029 ~~["Educational]~~ *"Primary or secondary educational* setting" means ~~[a]~~ *all communication relating to participation by pupils in educational programming or any other activity provided by or through a* public school, *school district or* private school ~~[or charter school]~~ in this State.

Sec. 5. NRS 656A.030 is hereby amended to read as follows:

656A.030 "Interpreter" means a person who is registered *or provisionally registered* with the Division to engage in the practice of *sign language* interpreting in this State pursuant to NRS 656A.100.

Sec. 6. NRS 656A.060 is hereby amended to read as follows:

656A.060 "Practice of *sign language* interpreting" means the facilitation of communication between persons who are deaf or whose hearing is impaired and other persons. The term includes, without limitation:

1. ~~[Translating]~~ *Interpreting or translating between any* spoken language ~~[into]~~ *and* American Sign Language or any other visual-gestural system of communication *;* ~~[or vice versa;]~~

2. ~~[Translating]~~ *Interpreting or translating between any* spoken language ~~[into]~~ *and* a tactile method of sign language *;* ~~[or vice versa;]~~

3. ~~[Translating]~~ *Interpreting or translating between any* spoken language ~~[into]~~ *and* an oral interpretation of the speaker's words by enunciating, repeating or rephrasing those words without using the voice to assist a person who is deaf or whose hearing is impaired in lipreading the information conveyed by the speaker;

4. ~~[Translating]~~ *Interpreting or translating between any* spoken language ~~[into]~~ *and* a visual representation of spoken language that:

(a) Uses eight hand shapes to represent groups of consonants and the placement of those hand shapes in four positions around the face to indicate groups of vowel sounds; and

(b) Is used in conjunction with lipreading;

5. ~~[Translating]~~ *Interpreting or translating between any* spoken ~~[English into]~~ *language and* a system of sign language that is based on the syntax of the English language *;* ~~[or vice versa;]~~ and

6. The use of any of the methods of interpreting or ~~[transliterating]~~ *translating* set forth in subsections 1 to 5, inclusive, by a person who is deaf or whose hearing is impaired to facilitate communication between another

person who is deaf or whose hearing is impaired and an interpreter, or between two or more persons who are deaf or whose hearing is impaired.

Sec. 7. NRS 656A.070 is hereby amended to read as follows:

656A.070 The provisions of this chapter do not apply to a person who:

1. Is licensed in another state to engage in the practice of *sign language* interpreting or the practice of realtime captioning and who engages in the practice of *sign language* interpreting or the practice of realtime captioning, respectively, in this State:

(a) For a period of not more than 30 nonconsecutive days in a calendar year; or

(b) By teleconference if the interpreting services or realtime captioning services provided by that person are necessary because an interpreter or realtime captioning provider is unavailable to provide those services in person or by teleconference;

2. Engages in the practice of *sign language* interpreting or the practice of realtime captioning solely for meetings of ~~[nonprofit civic or]~~ religious organizations;

3. Engages in the practice of *sign language* interpreting or the practice of realtime captioning as necessary for the provision of an emergency medical or governmental service to a person who is deaf or whose hearing is impaired; or

4. Engages occasionally in the practice of *sign language* interpreting in a social situation that does not require a qualified interpreter pursuant to the provisions of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, or the regulations adopted pursuant to those provisions.

Sec. 8. NRS 656A.080 is hereby amended to read as follows:

656A.080 The Division shall:

1. Establish a registry of persons who are registered *or provisionally registered* with the Division to engage in the practice of interpreting or the practice of realtime captioning. The registry must include, without limitation:

(a) The name of the person and any other information prescribed by the Division; and

(b) If the person is registered *or provisionally registered* to engage in the practice of interpreting, each professional classification in which the person is registered *or provisionally registered* to practice;

2. Make the registry available on an Internet website maintained by the Division; and

3. Provide a copy of the registry without charge to any person upon request.

Sec. 9. NRS 656A.100 is hereby amended to read as follows:

656A.100 1. A person who wishes to *register or provisionally register to* engage in the practice of *sign language* interpreting in this State must submit to the Division:

(a) Proof that the applicant is at least 18 years of age;

(b) An application in the form prescribed by the Division;

(c) Proof that the applicant has complied with the requirements for education, training, experience and ~~[certification]~~ *credentialing* required for each professional classification of the practice of *sign language* interpreting pursuant to this section or prescribed by a regulation of the Division pursuant to NRS 656A.110;

(d) If the applicant wishes to *register to* practice *sign language* interpreting in a community setting , ~~[as an apprentice level interpreter,]~~ proof ~~[:~~

~~(1) That the applicant possesses intermediate interpreting skills;~~

~~(2) Of current participation in a program of mentoring or an agreement to participate in a program of mentoring with an interpreter in a community setting other than an apprentice level interpreter; and~~

~~(3) Of ongoing participation in a training program for the professional development of interpreters;]~~ *that the applicant holds, in good standing, a nationally recognized sign language interpreter or transliterator certification approved by the Division;*

(e) If the applicant wishes to *provisionally register to* practice *sign language* interpreting in a community setting , ~~[as a skilled interpreter,]~~ proof:

(1) That the applicant ~~[is certified as an interpreter by a nationally recognized public or private organization which is approved by the Division or]~~ possesses the skills necessary to practice interpreting at ~~[a skilled]~~ *an intermediate* level *;* ~~[in a community setting;]~~ and

(2) Of ongoing participation in a ~~[training]~~ program for the professional development of interpreters ~~[;~~

~~(f) If the applicant wishes to practice interpreting in a community setting as an advanced certified interpreter, proof:~~

~~(1) That the applicant is certified as an interpreter at an advanced level by a nationally recognized public or private organization which is approved by the Division or possesses the skills necessary to practice interpreting at an advanced level in a community setting; and~~

~~(2) Of ongoing participation in a training program for the professional development of interpreters;~~

~~(g)]~~ *and engagement with a professional mentor;*

(f) If the applicant wishes to *register to* practice *sign language* interpreting in ~~[an]~~ *a primary or secondary* educational setting , ~~[as an apprentice level interpreter,]~~ proof:

(1) That the applicant has ~~[completed]~~ *:*

(I) Completed the Educational Interpreter Performance Assessment ~~[administered by a public or private organization which is]~~ *or holds another credential for interpreters in a primary or secondary educational setting that is* approved by the Division *;* and ~~[received]~~

(II) Received a rating of his or her level of proficiency in providing interpreting services at least at level ~~[3.0;]~~ *4.0 or its equivalent; and*

(2) Of ~~[current]~~ *ongoing* participation in a program ~~[of mentoring or an agreement to participate in a program of mentoring with an interpreter in an educational setting other than an apprentice level interpreter; and~~

~~(3) Of an individualized plan]~~ for *the* professional development ~~[as an interpreter which includes, without limitation, specific goals for the applicant's professional development as an interpreter;~~

~~(h)]~~ *of interpreters;*

(g) If the applicant wishes to *provisionally register to* practice *sign language* interpreting in ~~[an]~~ *a primary or secondary* educational setting , ~~[as an intermediate interpreter,]~~ proof:

(1) That the applicant has ~~[completed]~~ *:*

(I) Completed the Educational Interpreter Performance Assessment ~~[administered by a public or private organization which is]~~ *or holds another credential for interpreters in a primary or secondary educational setting that is* approved by the Division *;* and ~~[received]~~

(II) Received a rating of his or her level of proficiency in providing interpreting services at least at level ~~[3.1;]~~ *3.5 or its equivalent;* and

(2) Of ~~[an individualized plan]~~ *ongoing participation in a program* for *the* professional development ~~[as an interpreter which includes, without limitation, specific goals for the applicant's professional development as an interpreter;~~

~~(i) If the applicant wishes to practice interpreting in an educational setting as an advanced interpreter, proof:~~

~~(1) That the applicant has completed the Educational Interpreter Performance Assessment administered by a public or private organization which is approved by the Division and received a rating of his or her level of proficiency in providing interpreting services at least at level 4.0;~~

~~(2) That the applicant possesses at least 4 years of experience practicing as an interpreter in a classroom; and~~

~~(3) Of an individualized plan for professional development as an interpreter which includes, without limitation, specific goals for the applicant's professional development as an interpreter;~~

~~(j) If the applicant wishes to obtain a supplemental registration specifically to practice interpreting in a legal setting or medical setting in addition to obtaining registration pursuant to paragraphs (d) to (i), inclusive, any information or evidence as prescribed by a regulation of the Division pursuant to NRS 656A.110; and~~

~~(k)]~~ *of interpreters and engagement with a professional mentor; and*

(h) Any other information or evidence the Division may require to determine whether the applicant has complied with the requirements to engage in the practice of *sign language* interpreting.

2. The Division may, for good cause shown, waive any requirement set forth in subsection 1.

3. An applicant must identify each professional classification of the practice of *sign language* interpreting for which he or she requests registration ~~[.]~~ *or provisional registration.*

4. ~~[The]~~ *Except as otherwise provided in subsection 5, the* Division shall:

(a) Register *or provisionally register* each applicant who complies with the applicable provisions of this section as an interpreter described in the applicable paragraph of subsection 1; and

(b) Issue to the applicant proof of *registration or provisional* registration.

5. The Division shall not issue a provisional registration for a professional classification of the practice of sign language interpreting to any person for more than a total of ~~[3]~~ 5 years, including renewals.

Sec. 10. NRS 656A.110 is hereby amended to read as follows:

656A.110 *1.* The Division shall, by regulation:

~~[1.]~~ *(a)* Prescribe for each professional classification of interpreters:

~~[(a)]~~ *(1)* The level of education and professional training, experience and ~~[certification]~~ *credentialing* required to engage in the practice of *sign language* interpreting in that classification.

~~[(b)]~~ *(2)* The authorized scope of practice, including, without limitation, any condition, restriction or other limitation imposed on a person who practices in that classification.

~~[2. Establish ethical]~~

(3) Ethical standards for persons who engage in the practice of *sign language* interpreting ~~[, including, without limitation, standards for maintaining confidential communications between an interpreter and a person who receives his or her services.]~~ *in that professional classification.*

(b) Prescribe qualifications for professional mentors of interpreters, including, without limitation, the level of education, training, experience and credentialing required to provide mentoring.

2. The Division may adopt regulations establishing professional classifications of the practice of sign language interpreting in addition to those set forth in NRS 656A.100.

Sec. 11. NRS 656A.400 is hereby amended to read as follows:

656A.400 1. A person who wishes to engage in the practice of realtime captioning in this State must submit to the Division:

(a) Proof that the applicant is at least 18 years of age;

(b) An application in the form prescribed by the Division;

(c) Proof that the applicant has complied with the requirements for education, training, experience and ~~[certification]~~ *credentialing* required for the practice of realtime captioning as prescribed by a regulation of the Division pursuant to NRS 656A.410; and

(d) Any other information or evidence the Division may require to determine whether the applicant has complied with the requirements to engage in the practice of realtime captioning.

2. The Division shall register each applicant who complies with the provisions of this section and issue to the applicant proof of registration.

Sec. 12. NRS 656A.410 is hereby amended to read as follows:

656A.410 The Division shall, by regulation:

1. Prescribe the level of education and professional training, experience and ~~[certification]~~ *credentialing* required to engage in the practice of realtime captioning.

2. Establish ethical standards for persons who engage in the practice of realtime captioning, including, without limitation, standards for maintaining confidential communications between a realtime captioning provider and a person who receives his or her services.

Sec. 13. NRS 656A.800 is hereby amended to read as follows:

656A.800 1. Except as otherwise provided by specific statute, it is unlawful for a person to:

(a) Engage in the practice of *sign language* interpreting in this State;

(b) Hold himself or herself out as ~~[certified]~~ *registered, provisionally registered,* or *otherwise* qualified to engage in the practice of *sign language* interpreting in this State; or

(c) Use in connection with his or her name any title, words, letters or other designation intended to imply or designate that the person is an interpreter,

➥ unless the person is registered *or provisionally registered* with the Division pursuant to NRS 656A.100.

2. It is unlawful for a person to:

(a) Engage in the practice of realtime captioning in this State;

(b) Hold himself or herself out as ~~[certified]~~ *registered* or *otherwise* qualified to engage in the practice of realtime captioning in this State; or

(c) Use in connection with his or her name any title, words, letters or other designation intended to imply or designate that he or she is a realtime captioning provider,

➥ unless the person is registered with the Division pursuant to NRS 656A.400.

3. A person who violates the provisions of subsection 1 or 2:

(a) Is guilty of a misdemeanor; and

(b) May be assessed a civil penalty of not more than $5,000.

4. An action for the enforcement of a civil penalty assessed pursuant to this section may be brought in any court of competent jurisdiction by the district attorney of the appropriate county or the Attorney General.

5. Any civil penalty recovered pursuant to this section must be deposited with the State Treasurer for credit to the Account for Services for Persons With Impaired Speech or Hearing created by NRS 427A.797.

6. The Division shall report a violation of a provision of subsection 1 or 2 to the district attorney of the county in which the violation occurred or the Attorney General.

Sec. 14. NRS 50.050 is hereby amended to read as follows:

50.050 1. As used in NRS 50.050 to 50.053, inclusive, unless the context requires otherwise:

(a) "Interpreter" means a:

(1) Registered *community* interpreter; *or*

(2) ~~[Registered legal interpreter; or~~

~~(3)~~ Person who is appointed as an interpreter pursuant to subsection 2 of NRS 50.0515.

(b) "Person with a communications disability" means a person who, because the person is deaf or has a physical speaking impairment, cannot readily understand or communicate in the English language or cannot understand the proceedings.

(c) "Registered *community* interpreter" means a person registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of *sign language* interpreting ~~[~~.

~~(d) "Registered legal interpreter" means a person registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of interpreting]~~ in a ~~[~~legal~~]~~ *community* setting.

2. In all judicial proceedings in which a person with a communications disability appears as a witness, the court, magistrate or other person presiding over the proceedings shall appoint an interpreter to interpret the proceedings to that person and to interpret the testimony of that person to the court, magistrate or other person presiding.

3. The court, magistrate or other person presiding over the proceedings shall fix a reasonable compensation for the services and expenses of the interpreter appointed pursuant to this section. If the judicial proceeding is civil in nature, the compensation of the interpreter may be taxed as costs, except that the person with a communications disability for whose benefit the interpreter is appointed must not be taxed, charged a fee or otherwise required to pay any portion of the compensation of the interpreter.

4. Claims against a county, municipality, this State or any agency thereof for the compensation of an interpreter in a criminal proceeding or other proceeding for which an interpreter must be provided at public expense must be paid in the same manner as other claims against the respective entities are paid. Payment may be made only upon the certificate of the judge, magistrate or other person presiding over the proceedings that the interpreter has performed the services required and incurred the expenses claimed.

Sec. 15. NRS 50.0515 is hereby amended to read as follows:

50.0515 1. Except as otherwise provided in this section, in any judicial or other proceeding in which the court, magistrate or other person presiding over the proceeding is required to appoint an interpreter for a person with a communications disability, the court, magistrate or other person presiding over the proceeding shall appoint a registered ~~[~~legal~~]~~ *community* interpreter to interpret the proceeding to that person and to interpret the testimony of that person to the court, magistrate or other person presiding over the proceeding.

2. If a registered ~~[~~legal~~]~~ *community* interpreter cannot be found or is otherwise unavailable, or if the appointment of a registered ~~[~~legal~~]~~ *community* interpreter will cause a substantial delay in the proceeding, the court, magistrate or other person presiding over the proceeding may, after making a

finding to that effect and conducting a voir dire examination of prospective interpreters, appoint ~~[a registered interpreter or]~~ any other interpreter that the court, magistrate or other person presiding over the proceeding determines is readily able to communicate with the person with a communications disability, translate the proceeding for him or her, and accurately repeat and translate the statements of the person with a communications disability to the court, magistrate or other person presiding over the proceeding.

Sec. 16. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations:

(a) Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses. The regulations:

(1) Must include, without limitation, the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure which provides that the required education and training may be provided by any qualified provider which has been approved by the Commission, including, without limitation, institutions of higher education and other providers that operate independently of an institution of higher education. The regulations adopted pursuant to this subparagraph must:

(I) Establish the requirements for approval as a qualified provider;

(II) Require a qualified provider to be selective in its acceptance of students;

(III) Require a qualified provider to provide in-person or virtual supervised, school-based experiences and ongoing support for its students, such as mentoring and coaching;

(IV) Significantly limit the amount of course work required or provide for the waiver of required course work for students who achieve certain scores on tests;

(V) Allow for the completion in 2 years or less of the education and training required under the alternative route to licensure;

(VI) Provide that a person who has completed the education and training required under the alternative route to licensure and who has satisfied all other requirements for licensure may apply for a regular license pursuant to sub-subparagraph (VII) regardless of whether the person has received an offer of employment from a school district, charter school or private school; and

(VII) Upon the completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, provide for the issuance of a regular license to the person pursuant to the provisions of this chapter and the regulations adopted pursuant to this chapter.

(2) Must require an applicant for a license to teach middle school or junior high school education or secondary education to demonstrate proficiency in a field of specialization or area of concentration by successfully completing course work prescribed by the Department or completing a subject

matter competency examination prescribed by the Department with a score deemed satisfactory.

(3) Must not prescribe qualifications which are more stringent than the qualifications set forth in NRS 391.0315 for a licensed teacher who applies for an additional license in accordance with that section.

(b) Identifying fields of specialization in teaching which require the specialized training of teachers.

(c) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(d) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(e) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of *sign language* interpreting in ~~[an]~~ *a primary or secondary* educational setting.

(f) Requiring teachers and other educational personnel to be registered with the Aging and Disability Services Division pursuant to NRS 656A.100 to engage in the practice of *sign language* interpreting in ~~[an]~~ *a primary or secondary* educational setting if they:

(1) Provide instruction or other educational services; and

(2) Concurrently engage in the practice of *sign language* interpreting, as defined in NRS 656A.060.

(g) Prescribing course work on parental involvement and family engagement. The Commission shall work in cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630 in developing the regulations required by this paragraph.

(h) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in cultural competency.

(i) Authorizing the Superintendent of Public Instruction to issue a license by endorsement to an applicant who holds an equivalent license or authorization issued by a governmental entity in another country if the Superintendent determines that the qualifications for the equivalent license or authorization are substantially similar to those prescribed pursuant to paragraph (a).

(j) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in teaching courses relating to financial literacy.

2. Except as otherwise provided in NRS 391.027, the Commission may adopt such other regulations as it deems necessary for its own government or to carry out its duties.

3. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

Sec. 17. NRS 427A.040 is hereby amended to read as follows:

427A.040 1. The Division shall, consistent with the priorities established by the Commission pursuant to NRS 427A.038:

(a) Serve as a clearinghouse for information related to problems of the aged and aging.

(b) Assist the Director in all matters pertaining to problems of the aged and aging.

(c) Develop plans, conduct and arrange for research and demonstration programs in the field of aging.

(d) Provide technical assistance and consultation to political subdivisions with respect to programs for the aged and aging.

(e) Prepare, publish and disseminate educational materials dealing with the welfare of older persons.

(f) Gather statistics in the field of aging which other federal and state agencies are not collecting.

(g) Stimulate more effective use of existing resources and available services for the aged and aging.

(h) Develop and coordinate efforts to carry out a comprehensive State Plan for Providing Services to Meet the Needs of Older Persons. In developing and revising the State Plan, the Division shall consider, among other things, the amount of money available from the Federal Government for services to aging persons and the conditions attached to the acceptance of such money, and the limitations of legislative appropriations for services to aging persons.

(i) Coordinate all state and federal funding of service programs to the aging in the State.

2. The Division shall:

(a) Provide access to information about services or programs for persons with disabilities that are available in this State.

(b) Work with persons with disabilities, persons interested in matters relating to persons with disabilities and state and local governmental agencies in:

(1) Developing and improving policies of this State concerning programs or services for persons with disabilities, including, without limitation, policies concerning the manner in which complaints relating to services provided pursuant to specific programs should be addressed; and

(2) Making recommendations concerning new policies or services that may benefit persons with disabilities.

(c) Serve as a liaison between state governmental agencies that provide services or programs to persons with disabilities to facilitate communication and the coordination of information and any other matters relating to services or programs for persons with disabilities.

(d) Serve as a liaison between local governmental agencies in this State that provide services or programs to persons with disabilities to facilitate communication and the coordination of information and any other matters relating to services or programs for persons with disabilities. To inform local governmental agencies in this State of services and programs of other local governmental agencies in this State for persons with disabilities pursuant to this subsection, the Division shall:

(1) Provide technical assistance to local governmental agencies, including, without limitation, assistance in establishing an electronic network that connects the Division to each of the local governmental agencies that provides services or programs to persons with disabilities;

(2) Work with counties and other local governmental entities in this State that do not provide services or programs to persons with disabilities to establish such services or programs; and

(3) Assist local governmental agencies in this State to locate sources of funding from the Federal Government and other private and public sources to establish or enhance services or programs for persons with disabilities.

(e) Administer the following programs in this State that provide services for persons with disabilities:

(1) The program established pursuant to NRS 427A.791, 427A.793 and 427A.795 to provide services for persons with physical disabilities;

(2) The programs established pursuant to NRS 427A.800, 427A.850 and 427A.860 to provide services to persons with traumatic brain injuries;

(3) The program established pursuant to NRS 427A.610 to provide hearing aids to children who are hard of hearing;

(4) The program established pursuant to NRS 427A.797 to provide devices for telecommunication to persons who are deaf and persons with impaired speech or hearing;

(5) Any state program for independent living established pursuant to 29 U.S.C. §§ 796 et seq., with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation acting as the designated state unit, as that term is defined in 34 C.F.R. § 385.4, or the designated state entity, as that term is defined in 45 C.F.R. § 1329.4, as applicable; and

(6) Any state program established pursuant to the Assistive Technology Act of 1998, 29 U.S.C. §§ 3001 et seq.

(f) Provide information to persons with disabilities on matters relating to the availability of housing for persons with disabilities and identify sources of funding for new housing opportunities for persons with disabilities.

(g) Before establishing policies or making decisions that will affect the lives of persons with disabilities, consult with persons with disabilities and members of the public in this State through the use of surveys, focus groups, hearings or councils of persons with disabilities to receive:

(1) Meaningful input from persons with disabilities regarding the extent to which such persons are receiving services, including, without limitation, services described in their individual service plans, and their satisfaction with those services; and

(2) Public input regarding the development, implementation and review of any programs or services for persons with disabilities.

(h) Publish and make available to governmental entities and the general public a biennial report which:

(1) Provides a strategy for the expanding or restructuring of services in the community for persons with disabilities that is consistent with the need for such expansion or restructuring;

(2) Reports the progress of the Division in carrying out the strategic planning goals for persons with disabilities identified pursuant to chapter 541, Statutes of Nevada 2001;

(3) Documents significant problems affecting persons with disabilities when accessing public services, if the Division is aware of any such problems;

(4) Provides a summary and analysis of the status of the practice of *sign language* interpreting and the practice of realtime captioning, including, without limitation, the number of persons engaged in the practice of *sign language* interpreting in ~~[an]~~ *a primary or secondary* educational setting in each professional classification established ~~[pursuant to]~~ *by* NRS 656A.100 *or the regulations adopted pursuant to NRS 656A.110* and the number of persons engaged in the practice of realtime captioning in ~~[an]~~ *a primary or secondary* educational setting; and

(5) Recommends strategies and, if determined necessary by the Division, legislation for improving the ability of the State to provide services to persons with disabilities and advocate for the rights of persons with disabilities.

3. The Division shall confer with the Department as the sole state agency in the State responsible for administering the provisions of this chapter and chapter 435 of NRS.

4. The Division shall:

(a) Administer the provisions of chapters 435 and 656A of NRS; and

(b) Assist the Board of Applied Behavior Analysis in the administration of the provisions of chapter 437 of NRS as prescribed in that chapter.

5. The Division may contract with any appropriate public or private agency, organization or institution, in order to carry out the provisions of this chapter and chapter 435 of NRS.

Sec. 18. 1. A registration to engage in the practice of interpreting in a community setting or an educational setting that is held by a person who does not meet the requirements prescribed by NRS 656A.100, as amended by section 9 of this act, for registration to engage in the practice of sign language

interpreting in a community setting or a primary or secondary educational setting, as applicable, on July 1, 2021, expires on that date.

2. Notwithstanding the provisions of NRS 656A.100, as amended by section 9 of this act, on July 1, 2021, the Aging and Disability Services Division of the Department of Health and Human Services shall issue:

(a) A provisional registration to engage in the practice of sign language interpreting in a community setting to any person whose registration to engage in the practice of interpreting in a community setting expires pursuant to subsection 1.

(b) A provisional registration to engage in the practice of sign language interpreting in a primary or secondary educational setting to any person whose registration to engage in the practice of interpreting in an educational setting expires pursuant to subsection 1.

3. A provisional registration issued pursuant to this section expires on July 1, ~~[2024.]~~ 2026.

Sec. 19. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately substitute the term "practice of sign language interpreting" for the term "practice of interpreting."

2. In preparing supplements to the Nevada Administrative Code, appropriately:

(a) Substitute the term "practice of sign language interpreting" for the term "practice of interpreting," as previously used in any chapter of NAC; and

(b) Substitute the term "primary or secondary educational setting" for the term "educational setting," as previously used in chapter 656A of NAC.

Sec. 20. NRS 656A.023 is hereby repealed.

Sec. 21. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 20, inclusive, of this act become effective:

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

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

TEXT OF REPEALED SECTION

656A.023 "Charter school" defined. "Charter school" has the meaning ascribed to it in NRS 385.007.

Senator Spearman moved that the Senate concur in Assembly Amendment No. 636 to Senate Bill No. 179.

Remarks by Senator Spearman.

Amendment No. 636 to Senate Bill No. 179 changes the expiration date of a provisional registration issued pursuant to section 18 of the bill from July 1, 2024, to July 1, 2026.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 190.

The following Assembly amendment was read:

Amendment No. 633.

JOINT SPONSORS: ASSEMBLYMEN TORRES, NGUYEN, GORELOW, MARZOLA, FLORES; BILBRAY-AXELROD , CONSIDINE AND GONZÁLEZ

SUMMARY—Provides for the dispensing of self-administered hormonal contraceptives. (BDR 54-3)

AN ACT relating to contraceptives; requiring the ~~[Chief Medical Officer to issue a standing order authorizing]~~ State Board of Pharmacy to establish a protocol under which a pharmacist ~~[to]~~ may dispense self-administered hormonal contraceptives to any patient; authorizing a pharmacist to dispense self-administered hormonal contraceptives to any patient; requiring the State Plan for Medicaid and certain health insurance plans to provide certain benefits relating to self-administered hormonal contraceptives; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a pharmacist to dispense up to a 12-month supply or an amount equivalent to the balance of the plan year if the patient is covered by a health care plan, whichever is less, of a contraceptive or its therapeutic equivalent pursuant to a valid prescription or order if certain conditions are met. (NRS 639.28075) Section ~~[8]~~ 2.5 of this bill requires ~~[: (1) the Chief Medical Officer or his or her designee to issue a standing order]~~ the State Board of Pharmacy to adopt regulations that establish a protocol to allow a pharmacist to dispense a self-administered hormonal contraceptive to any patient. ~~[; and (2) the State Board of Health, in consultation with the Chief Medical Officer, to prescribe by regulation a protocol for dispensing a self-administered hormonal contraceptive.]~~ Section 3 of this bill authorizes a pharmacist to dispense a self-administered hormonal contraceptive under the ~~[standing order]~~ protocol established pursuant to section 2.5 and establishes the procedures the pharmacist must follow to dispense such a contraceptive. Section 3 requires such a pharmacist to: (1) provide a risk assessment questionnaire prescribed by the ~~[State]~~ Board ~~[of Health]~~ pursuant to section ~~[8]~~ 2.5 to the patient before the pharmacist dispenses the self-administered hormonal contraceptive; (2) create a record concerning the dispensing of the self-administered hormonal contraceptive; (3) provide the patient with a written record of the request and the self-administered hormonal contraceptive dispensed and certain additional information; and (4) comply with the regulations adopted pursuant to section ~~[8]~~ 2.5 and any guidelines recommended by the manufacturer. ~~[Sections]~~ Section 3 ~~[and 8 require]~~ requires the ~~[State]~~ Board ~~[of Pharmacy and the Division of Public and Behavioral Health of the Department of Health and Human Services]~~ to post on an Internet website a list of pharmacies that dispense self-administered hormonal contraceptives under the ~~[standing order.]~~ protocol established pursuant to section 2.5. Section 8.5 of this bill makes a conforming change to account for the provisions of sections 2.5 and 3 authorizing a pharmacist to dispense a drug that has not been prescribed by a practitioner.

Existing law defines the term "practice of pharmacy" for the purpose of determining which activities require a person to be registered and regulated by the State Board of Pharmacy as a pharmacist. (NRS 639.0124) Section 5 of this bill provides that the practice of pharmacy includes the dispensing of self-administered hormonal contraceptives by a pharmacist in accordance with section 3 and, thus, requires persons engaged in the dispensing of such contraceptives to be registered and regulated as pharmacists.

Existing law authorizes the State Board of Pharmacy to suspend or revoke any certificate to practice as a registered pharmacist if the holder of or applicant for such a certificate commits certain acts. (NRS 639.210) Section 6 of this bill authorizes the Board to suspend or revoke any certificate to practice as a registered pharmacist if the holder or applicant has dispensed a self-administered hormonal contraceptive under the ~~[standing order issued]~~ protocol established pursuant to section ~~[8]~~ 2.5 without complying with the provisions of section 3.

Existing law requires public and private policies of insurance regulated under Nevada law to include coverage for certain contraceptive drugs and devices, including: (1) up to a 12-month supply of contraceptives; and (2) certain devices for contraception. (NRS 287.010, 287.04335, 689A.0418, 689B.0378, 689C.1676, 695A.1865, 695B.1919, 695C.1696, 695G.1715) Existing law also requires employers to provide certain benefits to employees, including the coverage required for health insurers, if the employer provides health benefits for its employees. (NRS 608.1555) Sections 7 and 9-15 of this bill require that certain public and private policies of insurance and health care plans provide coverage for self-administered hormonal contraceptives dispensed by a pharmacist in accordance with section 3.

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

Section 1. Chapter 639 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 , 2.5 and 3 of this act.

Sec. 2. *"Self-administered hormonal contraceptive" means a self-administered contraceptive that utilizes a hormone and is approved for use by the United States Food and Drug Administration to prevent pregnancy. The term includes, without limitation, an oral contraceptive, a vaginal contraceptive ring, a contraceptive patch and any other method of hormonal contraceptive identified by the ~~[standing order issued]~~ protocol established by the ~~[Chief Medical Officer or his or her designee]~~ Board pursuant to section ~~[8]~~ 2.5 of this act.*

Sec. 2.5. 1. The Board shall adopt regulations establishing a protocol for dispensing a self-administered hormonal contraceptive, as authorized by section 3 of this act. Those regulations must include, without limitation:

(a) Requirements governing the information that must be included in a record concerning the dispensing of the self-administered hormonal contraceptive in addition to the information required by section 3 of this act; and

(b) The amount of time that such a record must be maintained by the dispensing pharmacist or his or her employer.

2. The Board shall adopt regulations that prescribe:

(a) A risk assessment questionnaire that must be provided to a patient who requests a self-administered hormonal contraceptive pursuant to section 3 of this act.

(b) The information that must be provided in writing to a patient to whom a self-administered hormonal contraceptive is dispensed pursuant to section 3 of this act, which may include, without limitation, information concerning:

(1) The importance of obtaining recommended tests and screening from the patient's attending provider or another qualified provider of health care who specializes in women's health;

(2) The effectiveness of long-acting, reversible contraceptives as an alternative to self-administered hormonal contraceptives;

(3) When to seek emergency medical services as a result of administering a self-administered hormonal contraceptive; and

(4) The risk of contracting a sexually transmitted infection and ways to reduce that risk.

3. As used in this section:

(a) "Attending provider" means a provider of health care who provides or has provided care to the patient.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 3. *1. A pharmacist may dispense a self-administered hormonal contraceptive under the ~~[standing order issued]~~ protocol established pursuant to section ~~[8]~~ 2.5 of this act to a patient, regardless of whether the patient has obtained a prescription from a practitioner.*

2. A pharmacist must provide the risk assessment questionnaire prescribed by the ~~[State]~~ Board ~~[of Health]~~ pursuant to section ~~[8]~~ 2.5 of this act to a patient who requests a self-administered hormonal contraceptive before dispensing the self-administered hormonal contraceptive to the patient. If the patient completes the questionnaire and the results of the questionnaire indicate that it is unsafe to dispense the self-administered hormonal contraceptive to the patient, the pharmacist:

(a) Must not dispense the self-administered hormonal contraceptive; and

(b) Must refer the patient to the patient's attending provider or another qualified provider of health care.

3. A pharmacist who dispenses a self-administered hormonal contraceptive under the ~~[standing order]~~ protocol shall:

(a) Create a record concerning the dispensing of the self-administered hormonal contraceptive which includes, without limitation, the name of the patient to whom the self-administered hormonal contraceptive was dispensed, the type of self-administered hormonal contraceptive dispensed and any other relevant information required by the protocol prescribed pursuant to

section ~~[8]~~ 2.5 of this act. The pharmacist or his or her employer shall maintain the record for the amount of time prescribed in that protocol.

(b) Inform the patient to whom the self-administered hormonal contraceptive is dispensed concerning:

(1) Proper administration and storage of the self-administered hormonal contraceptive;

(2) Potential side effects of the self-administered hormonal contraceptive; and

(3) The need to use other methods of contraception, if appropriate.

(c) Provide to the patient to whom the self-administered hormonal contraceptive is dispensed:

(1) The written record required by subsection 4; and

(2) Any written information required by the regulations adopted pursuant to section ~~[8]~~ 2.5 of this act.

(d) Comply with the regulations adopted pursuant to section ~~[8]~~ 2.5 of this act and any guidelines for dispensing the self-administered hormonal contraceptive recommended by the manufacturer.

4. A pharmacist shall provide to any patient who requests a self-administered hormonal contraceptive under the ~~[standing order]~~ protocol a written record of the request, regardless of whether the self-administered hormonal contraceptive is dispensed. The record must include, without limitation:

(a) A copy of the risk assessment questionnaire if completed by the patient pursuant to subsection 2; and

(b) A written record of the self-administered hormonal contraceptive requested and any self-administered hormonal contraceptive dispensed.

5. Any pharmacy that wishes to dispense self-administered hormonal contraceptives under the ~~[standing order]~~ protocol must notify the Board of that fact. The Board shall post on an Internet website maintained by the Board a list of the names, addresses and contact information of pharmacies that have provided such notice.

6. As used in this section:

(a) "Attending provider" means a provider of health care who provides or has provided care to the patient.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 4. NRS 639.001 is hereby amended to read as follows:

639.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 639.0015 to 639.016, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 5. NRS 639.0124 is hereby amended to read as follows:

639.0124 *1.* "Practice of pharmacy" includes, but is not limited to, the:

~~[1.]~~ *(a)* Performance or supervision of activities associated with manufacturing, compounding, labeling, dispensing and distributing of a drug,

including the receipt, handling and storage of prescriptions and other confidential information relating to patients.

~~[2.]~~ *(b)* Interpretation and evaluation of prescriptions or orders for medicine.

~~[3.]~~ *(c)* Participation in drug evaluation and drug research.

~~[4.]~~ *(d)* Advising of the therapeutic value, reaction, drug interaction, hazard and use of a drug.

~~[5.]~~ *(e)* Selection of the source, storage and distribution of a drug.

~~[6.]~~ *(f)* Maintenance of proper documentation of the source, storage and distribution of a drug.

~~[7.]~~ *(g)* Interpretation of clinical data contained in a person's record of medication.

~~[8.]~~ *(h)* Development of written guidelines and protocols in collaboration with a practitioner which are intended for a patient in a licensed medical facility or in a setting that is affiliated with a medical facility where the patient is receiving care and which authorize collaborative drug therapy management. The written guidelines and protocols must comply with NRS 639.2629.

~~[9.]~~ *(i)* Implementation and modification of drug therapy, administering drugs and ordering and performing tests in accordance with a collaborative practice agreement.

(j) Dispensing a self-administered hormonal contraceptive pursuant to section 3 of this act.

~~[➥]~~ *2.* The term does not include the changing of a prescription by a pharmacist or practitioner without the consent of the prescribing practitioner, except as otherwise provided in NRS 639.2583 ~~[.]~~ *and section 3 of this act.*

Sec. 6. NRS 639.210 is hereby amended to read as follows:

639.210 The Board may suspend or revoke any certificate, license, registration or permit issued pursuant to this chapter, and deny the application of any person for a certificate, license, registration or permit, if the holder or applicant:

1. Is not of good moral character;

2. Is guilty of habitual intemperance;

3. Becomes or is intoxicated or under the influence of liquor, any depressant drug or a controlled substance, unless taken pursuant to a lawfully issued prescription, while on duty in any establishment licensed by the Board;

4. Is guilty of unprofessional conduct or conduct contrary to the public interest;

5. Has a substance use disorder;

6. Has been convicted of a violation of any law or regulation of the Federal Government or of this or any other state related to controlled substances, dangerous drugs, drug samples, or the wholesale or retail distribution of drugs;

7. Has been convicted of:

(a) A felony relating to holding a certificate, license, registration or permit pursuant to this chapter;

(b) A felony pursuant to NRS 639.550 or 639.555; or

(c) Other crime involving moral turpitude, dishonesty or corruption;

8. Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

9. Has willfully made to the Board or its authorized representative any false statement which is material to the administration or enforcement of any of the provisions of this chapter;

10. Has obtained any certificate, certification, license or permit by the filing of an application, or any record, affidavit or other information in support thereof, which is false or fraudulent;

11. Has violated any provision of the Federal Food, Drug and Cosmetic Act or any other federal law or regulation relating to prescription drugs;

12. Has violated, attempted to violate, assisted or abetted in the violation of or conspired to violate any of the provisions of this chapter or any law or regulation relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy, or has knowingly permitted, allowed, condoned or failed to report a violation of any of the provisions of this chapter or any law or regulation relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy committed by the holder of a certificate, license, registration or permit;

13. Has failed to renew a certificate, license or permit by failing to submit the application for renewal or pay the renewal fee therefor;

14. Has had a certificate, license or permit suspended or revoked in another state on grounds which would cause suspension or revocation of a certificate, license or permit in this State;

15. Has, as a managing pharmacist, violated any provision of law or regulation concerning recordkeeping or inventory in a store over which he or she presides, or has knowingly allowed a violation of any provision of this chapter or other state or federal laws or regulations relating to the practice of pharmacy by personnel of the pharmacy under his or her supervision;

16. Has repeatedly been negligent, which may be evidenced by claims of malpractice settled against him or her;

17. Has failed to maintain and make available to a state or federal officer any records in accordance with the provisions of this chapter or chapter 453 or 454 of NRS;

18. Has failed to file or maintain a bond or other security if required by NRS 639.515; ~~[or]~~

19. *Has dispensed a self-administered hormonal contraceptive under the ~~[standing order issued]~~ protocol established pursuant to section ~~[8]~~ 2.5 of this act without complying with section 3 of this act; or*

20. Has operated a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility was suspended or revoked; or

(b) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 7. NRS 422.27172 is hereby amended to read as follows:

422.27172 1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(c) *Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to section 3 of this act;*

(d) Insertion or removal of a device for contraception;

~~[(d)]~~ *(e)* Education and counseling relating to the initiation of the use of contraceptives and any necessary follow-up after initiating such use;

~~[(e)]~~ *(f)* Management of side effects relating to contraception; and

~~[(f)]~~ *(g)* Voluntary sterilization for women.

2. Except as otherwise provided in subsections 4 and 5, to obtain any benefit provided in the Plan pursuant to subsection 1, a person enrolled in Medicaid must not be required to:

(a) Pay a higher deductible, any copayment or coinsurance; or

(b) Be subject to a longer waiting period or any other condition.

3. The Director shall ensure that the provisions of this section are carried out in a manner which complies with the requirements established by the Drug Use Review Board and set forth in the list of preferred prescription drugs established by the Department pursuant to NRS 422.4025.

4. The Plan may require a person enrolled in Medicaid to pay a higher deductible, copayment or coinsurance for a drug for contraception if the person refuses to accept a therapeutic equivalent of the contraceptive drug.

5. For each method of contraception which is approved by the Food and Drug Administration, the Plan must include at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the person enrolled in Medicaid, but the Plan may charge a deductible, copayment or coinsurance for any other contraceptive drug or device that provides the same method of contraception.

6. As used in this section:

(a) "Drug Use Review Board" has the meaning ascribed to it in NRS 422.402.

(b) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 8. ~~[Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The Chief Medical Officer or his or her designee shall issue a standing order to allow a pharmacist to dispense a self-administered hormonal contraceptive to any patient pursuant to section 3 of this act.*~~

~~*2. In consultation with the Chief Medical Officer, the State Board of Health shall prescribe by regulation a protocol for dispensing a self-administered hormonal contraceptive. The protocol must include, without limitation:*~~

~~*(a) Requirements governing the information that must be included in a record concerning the dispensing of the self-administered hormonal contraceptive in addition to the information required by section 3 of this act; and*~~

~~*(b) The amount of time that such a record must be maintained by the dispensing pharmacist or his or her employer.*~~

~~*3. In consultation with the State Board of Pharmacy, the State Board of Health shall adopt regulations that prescribe:*~~

~~*(a) A risk assessment questionnaire that must be provided to a patient who requests a self-administered hormonal contraceptive pursuant to section 3 of this act.*~~

~~*(b) The information that must be provided in writing to a patient to whom a self-administered hormonal contraceptive is dispensed pursuant to section 3 of this act, which may include, without limitation, information concerning:*~~

~~*(1) The importance of obtaining recommended tests and screening from the patient's attending provider or another qualified provider of health care who specializes in women's health;*~~

~~*(2) The effectiveness of long-acting reversible contraceptives as an alternative to self-administered hormonal contraceptives;*~~

~~*(3) When to seek emergency medical services as a result of administering a self-administered hormonal contraceptive; and*~~

~~*(4) The risk of contracting a sexually transmitted infection and ways to reduce that risk.*~~

~~*4. The Division shall provide on an Internet website maintained by the Division an electronic link to the list of pharmacies maintained by the State Board of Pharmacy pursuant to section 3 of this act.*~~

~~*5. As used in this section:*~~

~~*(a) "Attending provider" has the meaning ascribed to it in section 3 of this act.*~~

~~*(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.*~~

~~*(c) "Self-administered hormonal contraceptive" has the meaning ascribed to it in section 2 of this act.]*~~ (Deleted by amendment.)

Sec. 8.5. NRS 683A.179 is hereby amended to read as follows:

683A.179 1. A pharmacy benefit manager shall not:

(a) Prohibit a pharmacist or pharmacy from providing information to a covered person concerning:

(1) The amount of any copayment or coinsurance for a prescription drug; or

(2) The availability of a less expensive alternative or generic drug including, without limitation, information concerning clinical efficacy of such a drug;

(b) Penalize a pharmacist or pharmacy for providing the information described in paragraph (a) or selling a less expensive alternative or generic drug to a covered person;

(c) Prohibit a pharmacy from offering or providing delivery services directly to a covered person as an ancillary service of the pharmacy; or

(d) If the pharmacy benefit manager manages a pharmacy benefits plan that provides coverage through a network plan, charge a copayment or coinsurance for a prescription drug in an amount that is greater than the total amount paid to a pharmacy that is in the network of providers under contract with the third party.

2. The provisions of this section:

(a) Must not be construed to authorize a pharmacist to dispense a drug that has not been prescribed by a practitioner, as defined in NRS 639.0125 ~~[.]~~ , *except to the extent authorized by a specific provision of law, including, without limitation, NRS 453C.120 and section 3 of this act*.

(b) Do not apply to an institutional pharmacy, as defined in NRS 639.0085, or a pharmacist working in such a pharmacy as an employee or independent contractor.

3. As used in this section, "network plan" means a health benefit plan offered by a health carrier under which the financing and delivery of medical care is provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

Sec. 9. NRS 689A.0418 is hereby amended to read as follows:

689A.0418 1. Except as otherwise provided in subsection 7, an insurer that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) *Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to section 3 of this act;*

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of health insurance;

~~[(d)]~~ *(e)* Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

~~[(e)]~~ *(f)* Management of side effects relating to contraception; and

~~[(f)]~~ *(g)* Voluntary sterilization for women.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

4. Except as otherwise provided in subsections 8, 9 and 11, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit included in the policy pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[2018,]~~ *2022,* has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

7. An insurer that offers or issues a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

8. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a policy of health insurance must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. An insurer shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

13. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 10. NRS 689B.0378 is hereby amended to read as follows:

689B.0378 1. Except as otherwise provided in subsection 7, an insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 11; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 11;

(c) *Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to section 3 of this act;*

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of group health insurance;

~~[(d)]~~ *(e)* Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

~~[(e)]~~ *(f)* Management of side effects relating to contraception; and

~~[(f)]~~ *(g)* Voluntary sterilization for women.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

4. Except as otherwise provided in subsections 9, 10 and 12, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the policy pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[2018,]~~ *2022*, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

7. An insurer that offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or

prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

8. If an insurer refuses, pursuant to subsection 7, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

9. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

10. For each of the 18 methods of contraception listed in subsection 11 that have been approved by the Food and Drug Administration, a policy of group health insurance must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

11. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

12. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

13. An insurer shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

14. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

15. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 11. NRS 689C.1676 is hereby amended to read as follows:

689C.1676 1. Except as otherwise provided in subsection 7, a carrier that offers or issues a health benefit plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) *Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to section 3 of this act;*

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health benefit plan;

~~[(d)]~~ *(e)* Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

~~[(e)]~~ *(f)* Management of side effects relating to contraception; and

~~[(f)]~~ *(g)* Voluntary sterilization for women.

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the carrier.

4. Except as otherwise provided in subsections 8, 9 and 11, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[2018,]~~ *2022,* has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

7. A carrier that offers or issues a health benefit plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the carrier objects on religious grounds. Such a carrier shall, before the issuance of a health benefit plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the carrier refuses to provide pursuant to this subsection.

8. A carrier may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a health benefit

plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the carrier may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. A carrier shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

13. A carrier must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the carrier to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 12. NRS 695A.1865 is hereby amended to read as follows:

695A.1865 1. Except as otherwise provided in subsection 7, a society that offers or issues a benefit contract which provides coverage for prescription drugs or devices shall include in the contract coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) *Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to section 3 of this act;*

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same benefit contract;

~~[(d)]~~ *(e)* Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

~~[(e)]~~ *(f)* Management of side effects relating to contraception; and

~~[(f)]~~ *(g)* Voluntary sterilization for women.

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the society.

4. Except as otherwise provided in subsections 8, 9 and 11, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage for any benefit included in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[~~2018,~~]~~ *2022*, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

7. A society that offers or issues a benefit contract and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the society objects on religious grounds. Such a society shall, before the issuance of a benefit contract and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the society refuses to provide pursuant to this subsection.

8. A society may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a benefit contract must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the society may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;
(g) Combined estrogen- and progestin-based drugs;
(h) Progestin-based drugs;
(i) Extended- or continuous-regimen drugs;
(j) Estrogen- and progestin-based patches;
(k) Vaginal contraceptive rings;
(l) Diaphragms with spermicide;
(m) Sponges with spermicide;
(n) Cervical caps with spermicide;
(o) Female condoms;
(p) Spermicide;
(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
(r) Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. A society shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

13. A society must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the society to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 13. NRS 695B.1919 is hereby amended to read as follows:

695B.1919 1. Except as otherwise provided in subsection 7, an insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 11; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 11;

(c) *Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to section 3 of this act;*

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same contract for hospital or medical service;

~~[(d)]~~ *(e)* Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

~~[(e)]~~ *(f)* Management of side effects relating to contraception; and

~~[(f)]~~ *(g)* Voluntary sterilization for women.

2. An insurer that offers or issues a contract for hospital or medical services must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

4. Except as otherwise provided in subsections 9, 10 and 12, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[2018,]~~ *2022*, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

7. An insurer that offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

8. If an insurer refuses, pursuant to subsection 7, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

9. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

10. For each of the 18 methods of contraception listed in subsection 11 that have been approved by the Food and Drug Administration, a contract for hospital or medical service must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

11. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;
(j) Estrogen- and progestin-based patches;
(k) Vaginal contraceptive rings;
(l) Diaphragms with spermicide;
(m) Sponges with spermicide;
(n) Cervical caps with spermicide;
(o) Female condoms;
(p) Spermicide;
(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
(r) Ulipristal acetate for emergency contraception.

12. Except as otherwise provided in this section and federal law, an insurer that offers or issues a contract for hospital or medical services may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

13. An insurer shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

14. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

15. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 14. NRS 695C.1696 is hereby amended to read as follows:

695C.1696 1. Except as otherwise provided in subsection 7, a health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 11; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 11;

(c) *Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to section 3 of this act;*

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the enrollee was covered by the same health care plan;

~~[(d)]~~ *(e)* Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

~~[(e)]~~ *(f)* Management of side effects relating to contraception; and

~~[(f)]~~ *(g)* Voluntary sterilization for women.

2. A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the health maintenance organization.

4. Except as otherwise provided in subsections 9, 10 and 12, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an enrollee must be the same as for the enrollee.

6. Except as otherwise provided in subsection 7, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[2018,]~~ *2022*, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

7. A health maintenance organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the health maintenance organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective enrollee written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection.

8. If a health maintenance organization refuses, pursuant to subsection 7, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

9. A health maintenance organization may require an enrollee to pay a higher deductible, copayment or coinsurance for a drug for contraception if the enrollee refuses to accept a therapeutic equivalent of the drug.

10. For each of the 18 methods of contraception listed in subsection 11 that have been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the enrollee, but the health maintenance organization may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

11. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

12. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

13. A health maintenance organization shall not use medical management techniques to require an enrollee to use a method of contraception other than the method prescribed or ordered by a provider of health care.

14. A health maintenance organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an enrollee, or the authorized representative of the enrollee, may request an exception relating to any medical management technique used by the health maintenance organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

15. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 15. NRS 695G.1715 is hereby amended to read as follows:

695G.1715 1. Except as otherwise provided in subsection 7, a managed care organization that offers or issues a health care plan shall include in the

plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) *Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to section 3 of this act;*

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health care plan;

~~[(d)]~~ *(e)* Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

~~[(e)]~~ *(f)* Management of side effects relating to contraception; and

~~[(f)]~~ *(g)* Voluntary sterilization for women.

2. A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the managed care organization.

4. Except as otherwise provided in subsections 8, 9 and 11, a managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefits;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefits;

(d) Penalize a provider of health care who provides any such benefits to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefits to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefits.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[2018,]~~ *2022*, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

7. A managed care organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the managed care organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the managed care organization refuses to provide pursuant to this subsection.

8. A managed care organization may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the managed care organization may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. A managed care organization shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

13. A managed care organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the managed care organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 16. 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. 17. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 16, inclusive, of this act become 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, 2022, for all other purposes.

Senator Cannizzaro moved that the Senate concur in Assembly Amendment No. 633 to Senate Bill No. 190.

Remarks by Senator Cannizzaro.

Amendment No. 633 to Senate Bill No. 190 deletes section 8 of the bill and, instead, requires the State Board of Pharmacy to adopt certain regulations establishing a protocol to allow a pharmacist to dispense a self-administered hormonal contraceptive to any patient. It adds Assemblywoman Considine as a cosponsor of the bill.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 260.

The following Assembly amendment was read:

Amendment No. 514.

SUMMARY—Revises provisions relating to Internet privacy. (BDR 52-253)

AN ACT relating to Internet privacy; exempting certain persons and information collected about a consumer in this State from requirements imposed on operators, data brokers and covered information; prohibiting a data broker from making any sale of certain information collected about a consumer in this State if so directed by the consumer; revising provisions relating to the sale of certain information collected about a consumer in this State; ~~[revising the circumstances under which operators of certain Internet websites or online services are authorized]~~ authorizing an operator or data broker to remedy a failure to comply with certain requirements relating to the collection and sale of certain information about consumers in this State ~~[;]~~ if it is the first failure of the operator or data broker to comply with such requirements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an operator of an Internet website which collects certain items of personally identifiable information about consumers in this State to establish a designated address through which a consumer may submit a verified request directing the operator not to make any sale of covered information collected about the consumer. An operator that receives such a request is prohibited from making any sale of any covered information collected about the consumer. (NRS 603A.345) Section 3 of this bill imposes similar requirements upon a data broker, which is generally defined in section 2 of this bill to mean a person primarily engaged in the business of purchasing covered information about consumers in this State from operators and other data brokers and making sales of such information. Section 1.5 of this bill exempts certain persons and information from the requirements imposed on operators, data brokers and covered information. ~~[Sections 4 and 5 of this bill make conforming changes to properly place the new language of sections 1.5, 2 and 3 in the Nevada Revised Statutes.]~~ Sections 6 and 7 of this bill revise certain definitions to reflect the requirements imposed on data brokers by section 3.

Existing law authorizes the Attorney General to seek an injunction or a civil penalty against an operator who violates the provisions of existing law

requiring the establishment of a designated request address and prohibiting the sale of covered information about a consumer who has made a verified request. (NRS 603A.360) Section 12 of this bill similarly authorizes the Attorney General to seek an injunction or a civil penalty against a data broker who violates the provisions of section 3.

Existing law defines "operator" to mean, in general, a person who: (1) owns or operates an Internet website or online service for commercial purposes; (2) collects certain information from consumers who reside in this State and use or visit the Internet website or online service; and (3) has certain minimum contacts with this State. (NRS 603A.330) Section 7.5 of this bill explicitly excludes from the definition of "operator" a person who does not collect, maintain or sell covered information.

Existing law defines "sale" for the purposes of the provisions of existing law governing the sale of covered information by operators as the exchange of covered information for monetary consideration by the operator to a person for the person to license or sell the covered information to additional persons. (NRS 603A.333) Section 8 of this bill revises that definition to define "sale" as the exchange of covered information for monetary consideration by an operator or data broker to another person.

Existing law requires an operator to make available to consumers a notice containing certain information relating to the collection and sale of covered information collected through its Internet website or online service. An operator who fails to comply with that requirement is authorized to remedy the failure to comply within 30 days after being informed of such a failure. (NRS 603A.340) ~~[Sections 10 and]~~ Section 11 of this bill ~~[authorize]~~ authorizes an operator to remedy such a failure only if it is the first failure of the operator to comply with the requirement. If such an operator remedies a failure to comply with the requirement within 30 days after being informed of the failure, section 3.6 of this bill provides that the operator does not commit a violation for the purposes of provisions governing the enforcement of the requirement by the Attorney General.

Sections 3.3 and 3.9 of this bill enact similar provisions with respect to the requirements concerning the establishment of a designated request address and the sale of covered information about a consumer who has made a verified request which are imposed on operators under existing law and data brokers under section 3. Section 3.9 authorizes an operator who fails to comply with the requirements set forth under existing law concerning the establishment of a designated request address and the sale of covered information to remedy the failure within 30 days after being informed of the failure if it is the first failure of the operator to comply with such requirements. Section 3.3 authorizes a data broker who fails to comply with similar requirements imposed by section 3 to remedy the failure within 30 days after being informed of the failure if it is the first failure of the data broker to comply with such requirements.

Sections 4 and 5 of this bill make conforming changes to indicate the proper placement of the new language of sections 1.5-3.9 of this bill in the Nevada Revised Statutes.

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

Section 1. Chapter 603A of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 ~~[, 2 and 3]~~ to 3.9, inclusive, of this act.

Sec. 1.5. *The provisions of this section and NRS 603A.300 to 603A.360, inclusive, and sections 2 ~~[and 3]~~ to 3.9, inclusive, of this act do not apply to:*

1. A consumer reporting agency, as defined in ~~[NRS 686A.640, or any]~~ 15 U.S.C. § 1681a(f);

2. Any personally identifiable information regulated by the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq., and the regulations adopted pursuant thereto, which is collected, maintained or sold ~~[by such any agency;]~~ as provided in that Act;

~~[2.]~~ 3. A person who collects, maintains or makes sales of personally identifiable information for the purposes of fraud prevention;

~~[3.]~~ 4. Any personally identifiable information that is publicly available; ~~[or]~~

~~[4.]~~ 5. Any personally identifiable information protected from disclosure under the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. §§ 2721 et seq., which is collected, maintained or sold ~~[in compliance with]~~ as provided in that Act ~~[.]~~ ; or

6. A financial institution or an affiliate of a financial institution that is subject to the provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., or any personally identifiable information regulated by that Act which is collected, maintained or sold as provided in that Act.

Sec. 2. *"Data broker" means a person ~~[primarily engaged in the]~~ whose primary business ~~[of]~~ is purchasing covered information about consumers with whom the person does not have a direct relationship and who reside in this State from operators or other data brokers and making sales of such covered information.*

Sec. 3. *1. Each data broker shall establish a designated request address through which a consumer may submit a verified request pursuant to this section.*

2. A consumer may, at any time, submit a verified request through a designated request address to a data broker directing the data broker not to make any sale of any covered information about the consumer that the data broker has purchased or will purchase.

3. A data broker that has received a verified request submitted by a consumer pursuant to subsection 2 shall not make any sale of any covered information about that consumer that the data broker has purchased or will purchase.

4. A data broker shall respond to a verified request submitted by a consumer pursuant to subsection 2 within 60 days after receipt thereof. A data

broker may extend by not more than 30 days the period prescribed by this subsection if the data broker determines that such an extension is reasonably necessary. A data broker who extends the period prescribed by this subsection shall notify the consumer of such an extension.

Sec. 3.3. 1. A data broker who has not previously failed to comply with the provisions of section 3 of this act may remedy any failure to comply with the provisions of section 3 of this act within 30 days after being informed of such a failure.

2. A data broker described in subsection 1 who remedies a failure to comply with the provisions of section 3 of this act within 30 days after being informed of such a failure does not violate section 3 of this act for the purposes of NRS 603A.360.

Sec. 3.6. 1. An operator who has not previously failed to comply with the applicable provisions of subsection 1 of NRS 603A.340 may remedy any failure to comply with the applicable provisions of subsection 1 of NRS 603A.340 within 30 days after being informed of such a failure.

2. An operator described in subsection 1 who remedies a failure to comply with the applicable provisions of subsection 1 of NRS 603A.340 within 30 days after being informed of such a failure does not violate NRS 603A.340 for the purposes of NRS 603A.360.

Sec. 3.9. 1. An operator who has not previously failed to comply with the provisions of NRS 603A.345 may remedy any failure to comply with the provisions of NRS 603A.345 within 30 days after being informed of such a failure.

2. An operator described in subsection 1 who remedies a failure to comply with the provisions of NRS 603A.345 within 30 days after being informed of such a failure does not violate NRS 603A.345 for the purposes of NRS 603A.360.

Sec. 4. NRS 603A.100 is hereby amended to read as follows:

603A.100 1. The provisions of NRS 603A.010 to 603A.290, inclusive, do not apply to the maintenance or transmittal of information in accordance with NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto.

2. A data collector who is also an operator, as defined in NRS 603A.330, shall comply with the provisions of NRS 603A.300 to 603A.360, inclusive ~~.~~ *, and sections 1.5 ~~, 2 and 3~~ to 3.9, inclusive, of this act.*

3. Any waiver of the provisions of NRS 603A.010 to 603A.290, inclusive, is contrary to public policy, void and unenforceable.

Sec. 5. NRS 603A.300 is hereby amended to read as follows:

603A.300 As used in NRS 603A.300 to 603A.360, inclusive, *and sections 1.5 ~~, 2 and 3~~ to 3.9, inclusive, of this act,* unless the context otherwise requires, the words and terms defined in NRS 603A.310 to 603A.337, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 6. NRS 603A.320 is hereby amended to read as follows:

603A.320 "Covered information" means any one or more of the following items of personally identifiable information about a consumer collected by an operator through an Internet website or online service and maintained by the operator *or a data broker* in an accessible form:

1. A first and last name.

2. A home or other physical address which includes the name of a street and the name of a city or town.

3. An electronic mail address.

4. A telephone number.

5. A social security number.

6. An identifier that allows a specific person to be contacted either physically or online.

7. Any other information concerning a person collected from the person through the Internet website or online service of the operator and maintained by the operator *or data broker* in combination with an identifier in a form that makes the information personally identifiable.

Sec. 7. NRS 603A.325 is hereby amended to read as follows:

603A.325 "Designated request address" means an electronic mail address, toll-free telephone number or Internet website established by an operator *or data broker* through which a consumer may submit to an operator *or data broker* a verified request.

Sec. 7.5. NRS 603A.330 is hereby amended to read as follows:

603A.330 1. "Operator" means a person who:

(a) Owns or operates an Internet website or online service for commercial purposes;

(b) Collects and maintains covered information from consumers who reside in this State and use or visit the Internet website or online service; and

(c) Purposefully directs its activities toward this State, consummates some transaction with this State or a resident thereof, purposefully avails itself of the privilege of conducting activities in this State or otherwise engages in any activity that constitutes sufficient nexus with this State to satisfy the requirements of the United States Constitution.

2. The term does not include:

(a) A third party that operates, hosts or manages an Internet website or online service on behalf of its owner or processes information on behalf of the owner of an Internet website or online service;

(b) ~~[A financial institution or an affiliate of a financial institution that is subject to the provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., and the regulations adopted pursuant thereto;~~

~~(c)]~~ An entity that is subject to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended, and the regulations adopted pursuant thereto; ~~[or~~

~~(d)~~ *(c)* A manufacturer of a motor vehicle or a person who repairs or services a motor vehicle who collects, generates, records or stores covered information that is:

(1) Retrieved from a motor vehicle in connection with a technology or service related to the motor vehicle; or

(2) Provided by a consumer in connection with a subscription or registration for a technology or service related to the motor vehicle ~~.~~ *; or*

~~(e)~~ *(d) A person who does not collect, maintain or make sales of covered information.*

Sec. 8. NRS 603A.333 is hereby amended to read as follows:

603A.333 1. "Sale" means the exchange of covered information for monetary consideration by ~~the~~ *an* operator *or data broker* to ~~a~~ *another* person . ~~for the person to license or sell the covered information to additional persons.~~

2. The term does not include:

(a) The disclosure of covered information by an operator *or data broker* to a person who processes the covered information on behalf of the operator ~~,~~ *or data broker;*

(b) The disclosure of covered information by an operator to a person with whom the consumer has a direct relationship for the purposes of providing a product or service requested by the consumer;

(c) The disclosure of covered information by an operator to a person for purposes which are consistent with the reasonable expectations of a consumer considering the context in which the consumer provided the covered information to the operator;

(d) The disclosure of covered information *by an operator or data broker* to a person who is an affiliate, as defined in NRS 686A.620, of the operator ~~,~~ *or data broker;* or

(e) The disclosure or transfer of covered information *by an operator or data broker* to a person as an asset that is part of a merger, acquisition, bankruptcy or other transaction in which the person assumes control of all or part of the assets of the operator ~~.~~ *or data broker*.

Sec. 9. NRS 603A.337 is hereby amended to read as follows:

603A.337 "Verified request" means a request:

1. Submitted by a consumer to an operator *or data broker* for the purposes set forth in NRS 603A.345 ~~;~~ *or section 3 of this act, as applicable;* and

2. For which an operator *or data broker* can reasonably verify the authenticity of the request and the identity of the consumer using commercially reasonable means.

Sec. 10. NRS 603A.340 is hereby amended to read as follows:

603A.340 1. Except as otherwise provided in subsection ~~3,~~ *2,* an operator shall make available, in a manner reasonably calculated to be accessible by consumers whose covered information the operator collects through its Internet website or online service, a notice that:

(a) Identifies the categories of covered information that the operator collects through its Internet website or online service about consumers who use or visit the Internet website or online service and the categories of third parties with whom the operator may share such covered information;

(b) Provides a description of the process, if any such process exists, for an individual consumer who uses or visits the Internet website or online service to review and request changes to any of his or her covered information that is collected through the Internet website or online service;

(c) Describes the process by which the operator notifies consumers who use or visit the Internet website or online service of material changes to the notice required to be made available by this subsection;

(d) Discloses whether a third party may collect covered information about an individual consumer's online activities over time and across different Internet websites or online services when the consumer uses the Internet website or online service of the operator; and

(e) States the effective date of the notice.

2. ~~[An operator who has not previously failed to comply with the provisions of subsection 1 may remedy any failure to comply with the provisions of subsection 1 within 30 days after being informed of such a failure.~~

~~3.]~~ The provisions of subsection 1 do not apply to an operator:

(a) Who is located in this State;

(b) Whose revenue is derived primarily from a source other than the sale or lease of goods, services or credit on Internet websites or online services; and

(c) Whose Internet website or online service has fewer than 20,000 unique visitors per year.

Sec. 11. NRS 603A.350 is hereby amended to read as follows:

603A.350 An operator violates NRS 603A.340 if the operator:

1. ~~[Knowingly and willfully]~~ *Has not previously failed to comply with the applicable provisions of subsection 1 of that section and knowingly* fails to remedy a failure to comply with ~~[the]~~ *such* provisions ~~[of subsection 1 of that section]~~ within 30 days after being informed of such a failure; ~~[or]~~

2. *Knowingly fails to comply with the applicable provisions of subsection 1 of that section after having previously failed to comply with such provisions; or*

3. Makes available a notice pursuant to that section which contains information which constitutes a knowing and material misrepresentation or omission that is likely to mislead a consumer acting reasonably under the circumstances, to the detriment of the consumer.

Sec. 12. NRS 603A.360 is hereby amended to read as follows:

603A.360 1. The Attorney General shall enforce the provisions of NRS 603A.300 to 603A.360, inclusive ~~[.]~~ *, and sections 1.5 ~~[, 2 and 3]~~ to 3.9, inclusive, of this act.*

2. If the Attorney General has reason to believe that an operator, either directly or indirectly, has violated or is violating NRS 603A.340 or 603A.345,

the Attorney General may institute an appropriate legal proceeding against the operator. The district court, upon a showing that the operator, either directly or indirectly, has violated or is violating NRS 603A.340 or 603A.345, may:

(a) Issue a temporary or permanent injunction; or

(b) Impose a civil penalty not to exceed $5,000 for each violation.

3. *If the Attorney General has reason to believe that a data broker, either directly or indirectly, has violated or is violating section 3 of this act, the Attorney General may institute an appropriate legal proceeding against the data broker. The district court, upon a showing that the data broker, either directly or indirectly, has violated or is violating section 3 of this act, may:*

(a) Issue a temporary or permanent injunction; or

(b) Impose a civil penalty not to exceed $5,000 for each violation.

4. The provisions of NRS 603A.300 to 603A.360, inclusive, *and sections 1.5 ~~[, 2 and 3]~~ to 3.9, inclusive, of this act* do not establish a private right of action against an operator.

~~[4.]~~ *5.* The provisions of NRS 603A.300 to 603A.360, inclusive, *and sections 1.5 ~~[, 2 and 3]~~ to 3.9, inclusive, of this act* are not exclusive and are in addition to any other remedies provided by law.

Senator Cannizzaro moved that the Senate concur in Assembly Amendment No. 514 to Senate Bill No. 260.

Remarks by Senator Cannizzaro.

Amendment No. 514 makes four changes to Senate Bill No. 260. It amends section 2 of the bill for the definition of "data broker." It revises provisions concerning the enforcement of the requirements imposed on operators and data brokers regarding the collection and sale of covered information for the purpose of authorizing any operator or data broker, who has not previously been found to have failed to comply with such requirements, to remedy any failure to comply within 30 days after being informed of the failure. If such an operator or data broker remedies such a failure, the operator or data broker does not commit a violation for the purposes of provisions governing the enforcement of the requirements by the Attorney General.

It clarifies the exemption specified in that subsection 1 of section 1.5 of the bill applies to any consumer reporting agency as defined in *15 U.S.C. § 1681a(f)* and any personally identifiable information regulated by the federal Fair Credit Reporting Act, *15 U.S.C. § 1681, et seq.*, and the regulations adopted pursuant thereto, which is collected, maintained or sold as provided in the Act. It deletes subsection 2(b) of section 7.5 of the bill and amends the exemption provided in section 1.5 of the bill to include a financial institution or an affiliate of a financial institution or any personally identifiable information regulated by the federal Gramm-Leach-Bliley Act, *15 U.S.C. § 6801 et seq.*, and the regulations adopted pursuant thereto that is collected, maintained or sold as provided in the Act.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 293.

The following Assembly amendment was read:

Amendment No. 569.

JOINT SPONSOR: ASSEMBLYWOMAN DURAN

SUMMARY—Revises provisions relating to employment. (BDR 53-907)

AN ACT relating to employment; prohibiting an employer or employment agency from seeking or relying on the wage or salary history of an applicant

for employment; prohibiting an employer or employment agency from refusing to interview, hire, promote or employ an applicant or from discriminating or retaliating against an applicant if the applicant does not provide wage or salary history; prohibiting the governing body of a county, incorporated city or unincorporated town or an appointing authority from performing such actions; requiring an employer, an employment agency, the governing body of a county, incorporated city or unincorporated town and an appointing authority to provide the wage or salary range or rate for a position, promotion or transfer to a new position if certain conditions are satisfied; providing that an employer, an employment agency, the governing body of a county, incorporated city or unincorporated town or an appointing authority may ask an applicant about his or her wage or salary expectations; providing that a violation of such provisions is an unlawful employment practice; providing that a person may file a complaint for a violation of such provisions; providing that an employer or employment agency that violates such provisions may be subject to certain administrative penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law deems certain employment practices as unlawful and prohibits certain employers, employment agencies and labor organizations from engaging in such practices. (NRS 613.330-613.345) Section 1.3 of this bill prohibits an employer or an employment agency from: (1) seeking the wage or salary history of an applicant for employment; (2) relying on the wage or salary history of an applicant to determine whether to offer employment to the applicant or to determine the rate of pay for the applicant; or (3) refusing to interview, hire, promote or employ an applicant or discriminating or retaliating against an applicant if the applicant does not provide wage or salary history. Section 1.3 requires an employer or employment agency to provide to an applicant for employment who has completed an interview for a position: (1) the wage or salary range or rate for the position; and (2) the wage or salary range or rate for a promotion or transfer to a new position if certain conditions are satisfied. Additionally, section 1.3 provides that an employer or employment agency may ask an applicant for employment about his or her wage or salary expectation for the position for which the applicant is applying. Furthermore, section 1.3 provides that: (1) a violation of section 1.3 is an unlawful employment practice; (2) a person may file a complaint with the Labor Commissioner concerning such a violation; and (3) a violation of section 1.3 may be subject to administrative penalties. If a person files such a complaint, section 1.7 of this act requires the Labor Commissioner to issue, upon request, a right-to-sue notice if at least 180 days have passed after the complaint was filed. Sections 2-8 of this bill make conforming changes by applying certain provisions and prohibitions to section 1.3. Section 5 of this bill provides that nothing contained in section 1.3 applies to certain businesses or enterprises on or near an Indian reservation.

Section 9 of this bill prohibits the governing body of a county, a county officer or other person acting on behalf of a county from: (1) seeking the wage or salary history of an applicant for employment; (2) relying on the wage or salary history of an applicant to determine whether to offer employment to the applicant or to determine the rate of pay for the applicant; or (3) refusing to interview, hire, promote or employ an applicant or discriminating or retaliating against an applicant because the applicant does not provide wage or salary history. Section 9 requires the governing body of a county, a county officer or other person acting on behalf of a county to provide to an applicant for employment who has completed an interview for a position: (1) the wage or salary range or rate for the position; and (2) the wage or salary range or rate for a promotion or transfer to a new position if certain conditions are satisfied. Finally, section 9 provides that the governing body of a county, county officer or other person may ask an applicant for employment about his or her wage or salary expectation for the position for which the applicant is applying. Sections 10-12 of this bill establish similar provisions for the governing body of an incorporated city, a city officer, the governing body of an unincorporated town or any other person acting on behalf of an unincorporated town and an appointing authority. Section 1.3 provides that it is an unlawful employment practice for the governing body of a county, incorporated city or unincorporated town or for an appointing authority to violate any provision of sections 9-12, as applicable.

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

Section 1. Chapter 613 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.7 of this act.

Sec. 1.3. *1. An employer or an employment agency shall not, orally or in writing, personally or through an agent:*

(a) Seek the wage or salary history of an applicant for employment;

(b) Rely on the wage or salary history of an applicant to determine:

(1) Whether to offer employment to an applicant; or

(2) The rate of pay for the applicant; or

(c) Refuse to interview, hire, promote or employ an applicant, or discriminate or retaliate against an applicant if the applicant does not provide wage or salary history.

2. An employer or an employment agency, as applicable, shall provide:

(a) To an applicant for employment who has completed an interview for a position, the wage or salary range or rate for the position; and

(b) The wage or salary range or rate for a promotion or transfer to a new position if an employee has:

(1) Applied for the promotion or transfer;

(2) Completed an interview for the promotion or transfer or been offered the promotion or transfer; and

(3) Requested the wage or salary range or rate for the promotion or transfer.

3. Nothing in this section prohibits an employer or employment agency from asking an applicant for employment about his or her wage or salary expectation for the position for which the applicant is applying.

4. It is an unlawful employment practice for:

(a) An employer or an employment agency to violate any provision of this section; and

(b) The governing body of a county, incorporated city or unincorporated town or an appointing authority governed by the provisions of chapter 284 of NRS to violate any provision of section 9, 10, 11 or 12 of this act, as applicable.

5. A person may file with the Labor Commissioner a complaint against an employer or employment agency, as applicable, for engaging in an unlawful employment practice specified in subsection 4.

6. In addition to any other remedy or penalty, the Labor Commissioner may impose against any employer or employment agency or any agent or representative thereof that is found to have violated any provision of this section an administrative penalty of not more than $5,000 for each such violation.

7. If an administrative penalty is imposed pursuant to this section, the costs of the proceeding, including, without limitation, investigative costs and attorney's fees, may be recovered by the Labor Commissioner.

8. As used in this section:

(a) "Employer" means a public or private employer in this State, including, without limitation:

(1) The State of Nevada;

(2) An agency of this State;

(3) A political subdivision of this State; and

(4) Any entity governed by section 9, 10, 11 or 12 of this act.

(b) "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.

(c) "Wage or salary history" means the wages or salary paid to an applicant for employment by the current or former employer of the applicant. The term includes, without limitation, any compensation and benefits received by the applicant from his or her current or former employer.

Sec. 1.7. *If a person files a complaint with the Labor Commissioner pursuant to section 1.3 of this act which alleges an unlawful employment practice, the Labor Commissioner shall issue, upon request from the person, a right-to-sue notice if at least 180 days have passed after the complaint was filed. The person may, not later than 90 days after the date of receipt of the right-to-sue notice, bring a civil action in district court against the person named in the complaint, and the notice must so indicate.*

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 613.320 is hereby amended to read as follows:

613.320 1. The provisions of NRS 613.310 to 613.4383, inclusive, *and section 1.3 of this act* do not apply to:

(a) Any employer with respect to employment outside this state.

(b) Any religious corporation, association or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on of its religious activities.

2. The provisions of NRS 613.310 to 613.4383, inclusive, *and section 1.3 of this act* concerning unlawful employment practices related to sexual orientation and gender identity or expression do not apply to an organization that is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).

Sec. 4. NRS 613.340 is hereby amended to read as follows:

613.340 1. It is an unlawful employment practice for an employer to discriminate against any of his or her employees or applicants for employment, for an employment agency to discriminate against any person, or for a labor organization to discriminate against any member thereof or applicant for membership, because the employee, applicant, person or member, as applicable, has opposed any practice made an unlawful employment practice by NRS 613.310 to 613.4383, inclusive, *and section 1.3 of this act* or because he or she has made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing under NRS 613.310 to 613.4383, inclusive ~~[.]~~ *, and section 1.3 of this act.*

2. It is an unlawful employment practice for an employer, labor organization or employment agency to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification or discrimination, based on race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification or discrimination based on religion, sex, sexual orientation, gender identity or expression, age, physical, mental or visual condition or national origin when religion, sex, sexual orientation, gender identity or expression, age, physical, mental or visual condition or national origin is a bona fide occupational qualification for employment.

Sec. 5. NRS 613.390 is hereby amended to read as follows:

613.390 Nothing contained in NRS 613.310 to 613.4383, inclusive, *and section 1.3 of this act* applies to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which a preferential treatment is given to any individual because the individual is an Indian living on or near a reservation.

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 613.432 is hereby amended to read as follows:

613.432 If a court finds that an employee has been injured by an unlawful employment practice within the scope of this section and NRS 613.310 to 613.4383, inclusive, *and section 1.3 of this act,* the court may award the

employee the same legal or equitable relief that may be awarded to a person pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., if the employee is protected by Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., or NRS 613.330.

Sec. 9. Chapter 245 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of county commissioners, a county officer or any other person acting on behalf of a county shall not, orally or in writing, personally or through an agent:

(a) Seek the wage or salary history of an applicant for employment by the county;

(b) Rely on the wage or salary history of an applicant to determine:

(1) Whether to offer employment to an applicant; or

(2) The rate of pay for the applicant; or

(c) Refuse to interview, hire, promote or employ an applicant, or discriminate or retaliate against an applicant if the applicant does not provide wage or salary history.

2. A board of county commissioners, a county officer or any other person acting on behalf of a county shall provide:

(a) To an applicant for employment by a county who has completed an interview for a position the wage or salary range or rate for the position; and

(b) The wage or salary range or rate for a promotion or transfer to a new position if an employee of a county has:

(1) Applied for the promotion or transfer;

(2) Completed an interview for the promotion or transfer or been offered the promotion or transfer; and

(3) Requested the wage or salary range or rate for the promotion or transfer.

3. Nothing in this section prohibits the board of county commissioners, a county officer or any other person acting on behalf of the county from asking an applicant for employment by the county about his or her wage or salary expectation for the position for which the applicant is applying.

4. As used in this section, "wage or salary history" means the wages or salary paid to an applicant for employment by the current or former employer of the applicant. The term includes, without limitation, any compensation and benefits received by the applicant from his or her current or former employer.

Sec. 10. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of an incorporated city or a city officer shall not, orally or in writing, personally or through an agent:

(a) Seek the wage or salary history of an applicant for employment by the incorporated city;

(b) Rely on the wage or salary history of an applicant to determine:

(1) Whether to offer employment to an applicant; or

(2) The rate of pay for the applicant; or

(c) Refuse to interview, hire, promote or employ an applicant, or discriminate or retaliate against an applicant if the applicant does not provide wage or salary history.

2. A governing body of an incorporated city or a city officer shall provide:

(a) To an applicant for employment by an incorporated city who has completed an interview for a position the wage or salary range or rate for the position; and

(b) The wage or salary range or rate for a promotion or transfer to a new position if an employee of an incorporated city has:

(1) Applied for the promotion or transfer;

(2) Completed an interview for the promotion or transfer or been offered the promotion or transfer; and

(3) Requested the wage or salary range or rate for the promotion or transfer.

3. Nothing in this section prohibits the governing body of an incorporated city or a city officer from asking an applicant for employment by the incorporated city about his or her wage or salary expectation for the position for which the applicant is applying.

4. As used in this section, "wage or salary history" means the wages or salary paid to an applicant for employment by the current or former employer of the applicant. The term includes, without limitation, any compensation and benefits received by the applicant from his or her current or former employer.

Sec. 11. Chapter 269 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The town board, board of county commissioners or any other person acting on behalf of an unincorporated town shall not, orally or in writing, personally or through an agent:

(a) Seek the wage or salary history of an applicant for employment by the unincorporated town;

(b) Rely on the wage or salary history of an applicant to determine:

(1) Whether to offer employment to an applicant; or

(2) The rate of pay for the applicant; or

(c) Refuse to interview, hire, promote or employ an applicant, or discriminate or retaliate against an applicant if the applicant does not provide wage or salary history.

2. A town board, board of county commissioners or any other person acting on behalf of an unincorporated town shall provide:

(a) To an applicant for employment by an unincorporated town who has completed an interview for a position the wage or salary range or rate for the position; and

(b) The wage or salary range or rate for a promotion or transfer to a new position if an employee of an unincorporated town has:

(1) Applied for the promotion or transfer;

(2) Completed an interview for the promotion or transfer or been offered the promotion or transfer; and

(3) Requested the wage or salary range or rate for the promotion or transfer.

3. Nothing in this section prohibits the town board, board of county commissioners or any other person acting on behalf of the unincorporated town from asking an applicant for employment by the unincorporated town about his or her wage or salary expectation for the position for which the applicant is applying.

4. As used in this section, "wage or salary history" means the wages or salary paid to an applicant for employment by the current or former employer of the applicant. The term includes, without limitation, any compensation and benefits received by the applicant from his or her current or former employer.

Sec. 12. Chapter 284 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An appointing authority shall not, orally or in writing, personally or through an agent:

(a) Seek the wage or salary history of an applicant for employment in the unclassified service of the State;

(b) Rely on the wage or salary history of an applicant to determine:

(1) Whether to offer employment to an applicant; or

(2) The rate of pay for the applicant; or

(c) Refuse to interview, hire, promote or employ an applicant, or discriminate or retaliate against an applicant if the applicant does not provide wage or salary history.

2. An appointing authority shall provide:

(a) To an applicant for employment in the unclassified service of the State who has completed an interview for a position the wage or salary range or rate for the position; and

(b) The wage or salary range or rate for a promotion or transfer to a new position if an employee in the unclassified service of the State has:

(1) Applied for the promotion or transfer;

(2) Completed an interview for the promotion or transfer or been offered the promotion or transfer; and

(3) Requested the wage or salary range or rate for the promotion or transfer.

3. Nothing in this section prohibits an appointing authority from asking an applicant for employment in the unclassified service of the State about his or her wage or salary expectation for the position for which the applicant is applying.

4. As used in this section, "wage or salary history" means the wages or salary paid to an applicant by the current or former employer of the applicant. The term includes, without limitation, any compensation and benefits received by the applicant from his or her current or former employer.

Senator Cannizzaro moved that the Senate concur in Assembly Amendment No. 569 to Senate Bill No. 293.

Remarks by Senator Cannizzaro.

Amendment No. 569 adds Assemblywoman Duran as a joint sponsor to Senate Bill No. 293.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 360.

The following Assembly amendment was read:

Amendment No. 526.

SUMMARY—Revises provisions relating to public employment. (BDR 23-1011)

AN ACT relating to public employment; ~~[revising the appointment of certain members]~~ increasing the membership of the Board of the Public Employees' Benefits Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) creates the Board of the Public Employees' Benefits Program, consisting of 10 members, and sets forth the qualifications and terms of appointment of the members; and (2) requires the Board to establish and carry out the Public Employees' Benefits Program, which is required to include a program of group life, accident or health insurance, or any combination thereof. (NRS 287.041, 287.043) Of the 10 members, the Board must have ~~[:~~ ~~(1) two members who are professional employees of the Nevada System of Higher Education, appointed by the Governor upon consideration of any recommendations of organizations that represent employees of the Nevada System of Higher Education; (2) two members who are retired from public employment, appointed by the Governor upon consideration of any recommendations of organizations that represent retired public employees; and (3)]~~ two members who are employees in the classified service of the State, appointed by the Governor upon consideration of any recommendations of organizations that represent state employees. (NRS 287.041) Section 2 of this bill ~~[revises the appointment of these six members. Section 2 requires the Governor to make the appointments of: (1) the two members who are professional employees of the Nevada System of Higher Education from a list of nominations of five professional employees of the Nevada System of Higher Education submitted by the professional organization representing the largest number of professional employees of the Nevada System of Higher Education participating in the Program; (2) the two members who are retired from public employment from a list of nominations of five persons who are retired from public employment submitted by the organization that represents the largest number of retired state employees; and (3) the two members who are employees]~~ increases the membership of the Board by adding one member who is employed in the classified service of the State from a list of nominations of 10 classified employees submitted by the labor organization representing the largest number of classified state employees participating in the Program.

~~[Section 3 of this bill provides that: (1) each member of the Board of the Public Employees' Benefits Program who is serving on June 30, 2021, continues to serve until the expiration of his or her current term or until vacancy, whichever occurs first; and (2) on and after July 1, 2021, upon the expiration of a term of such a member or a vacancy otherwise occurring, appointments must be made in accordance with section 2.]~~ Section 2 also provides that if the labor organization that submitted the member's name ceases to represent the largest number of classified state employees participating in the Program during the member's term, the member continues to serve for the remainder of his or her unexpired term.

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

Section 1. (Deleted by amendment.)

Sec. 2. NRS 287.041 is hereby amended to read as follows:

287.041 1. There is hereby created the Board of the Public Employees' Benefits Program. The Board consists of ~~[10]~~ *11* members appointed as follows:

(a) Two members who are professional employees of the Nevada System of Higher Education, appointed by the Governor upon consideration of any recommendations of organizations ~~*[from a list of nominations of five professional employees of the Nevada System of Higher Education submitted to the Governor by the professional organization]*~~ that represent ~~*[represents the largest number of professional]*~~ employees of the Nevada System of Higher Education ~~*[participating in the Public Employees' Benefits Program.]*~~ One such member must reside in northern Nevada and the other member must reside in southern Nevada.

(b) Two members who are retired from public employment, appointed by the Governor upon consideration of any recommendations of organizations ~~*[from a list of nominations of five persons who are retired from public employment submitted to the Governor by the organization]*~~ that represent ~~*[represents the largest number of]*~~ retired public ~~*[state]*~~ employees.

(c) Two members who are employees in the classified service of the State, appointed by the Governor upon consideration of any recommendations of organizations that represent state employees. ~~*[from a list of nominations of 10 classified state employees submitted by the labor organization representing the largest number of classified state employees participating in the Public Employees' Benefits Program.]*~~

(d) One member who is employed by this State in a managerial capacity and has substantial and demonstrated experience in risk management, group insurance programs, health care administration or employee benefits programs appointed by the Governor.

(e) Two members who have substantial and demonstrated experience in risk management, group insurance programs, health care administration or employee benefits programs appointed by the Governor.

(f) *One member who is an employee in the classified service of the State, appointed by the Governor from a list of nominations of 10 classified state employees submitted by the labor organization representing the largest number of classified state employees participating in the Program.*

(g) The Director of the Department of Administration or a designee of the Director approved by the Governor.

2. Of the nine persons appointed to the Board pursuant to paragraphs (a) to (e), inclusive, of subsection 1, at least four members must have a bachelor's degree or a more advanced degree, or equivalent professional experience, in business administration, economics, medicine, accounting, actuarial science, insurance, risk management or health care administration, and at least two members must have education or proven experience in the management of employees' benefits, insurance, risk management, health care administration or business administration.

3. Each person appointed as a member of the Board must:

(a) Except for a member appointed pursuant to paragraph (e) of subsection 1, have been a participant in the Program for at least 1 year before the person's appointment;

(b) Except for a member appointed pursuant to paragraph (e) of subsection 1, be a current employee of the State of Nevada or another public employer that participates in the Program or a retired public employee who is a participant in the Program;

(c) Not be an elected officer of the State of Nevada or any of its political subdivisions; and

(d) Not participate in any business enterprise or investment:

(1) With any vendor or provider to the Program; or

(2) In real or personal property if the Program owns or has a direct financial interest in that enterprise or property.

4. Except as otherwise provided in this subsection, after the initial terms, the term of an appointed member of the Board is 4 years and until the member's successor is appointed and takes office unless the member no longer possesses the qualifications for appointment set forth in this section or is removed by the Governor. If a member loses the requisite qualifications within the last 12 months of the member's term, the member may serve the remainder of the member's term. *If the labor organization that submitted the name of the member appointed pursuant to paragraph (f) of subsection 1 ceases to represent the largest number of classified state employees participating in the Program during the member's term, the member continues to serve for the remainder of his or her unexpired term.* Members are eligible for reappointment. A vacancy occurring in the membership of the Board must be filled in the same manner as the original appointment.

5. The appointed members of the Board serve at the pleasure of the Governor.

Sec. 3. ~~[1. The amendatory provisions of section 2 of this act do not affect the current terms of appointment of any person who, on June 30, 2021, is a member of the Board of the Public Employees' Benefits Program and each such member continues to serve until the expiration of his or her current term or until a vacancy occurs, whichever occurs first.~~

~~2. On and after July 1, 2021, upon the expiration of a term or a vacancy otherwise occurring on the Board of the Public Employees' Benefits Program, the vacancy must be filled in the manner provided by NRS 287.041, as amended by section 2 of this act.]~~ (Deleted by amendment.)

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

Senator Dondero Loop moved that the Senate concur in Assembly Amendment No. 526 to Senate Bill No. 360.

Remarks by Senator Dondero Loop.

Amendment No. 526 to Senate Bill No. 360 deletes most provisions of the bill and adds one member to the Board of the Public Employees' Benefit Program (PEBP) who must be appointed by the Governor from a list of nominations of ten classified State employees submitted by the labor organization representing the largest number of classified State employees participating in PEBP.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 95.

The following Assembly amendment was read:

Amendment No. 537.

SUMMARY—Revises provisions relating to business entities. (BDR 7-493)

AN ACT relating to business entities; revising provisions relating to service of process on management persons; making various changes to definitions relating to corporations; authorizing a corporation to include a federal forum selection clause in its articles of incorporation or bylaws; revising provisions relating to the breach of a fiduciary duty by a director or officer of a corporation; making various changes relating to meetings of stockholders held by means of remote communication; revising provisions relating to voting agreements of stockholders; revising provisions relating to notice of meetings of stockholders; revising provisions relating to insolvent corporations; revising provisions relating to discretionary indemnification of directors, officers, employees and agents of corporations; providing an exception to the requirement that a corporation issue a certificate of membership; establishing and revising provisions relating to distributions made by limited-liability companies; revising provisions relating to the form of contributions to capital of members of a limited-liability company or series; making various changes relating to the standard of voting for actions taken by corporations, limited partnerships and limited-liability companies; revising provisions relating to dissenter's rights; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes various provisions relating to business entities, including private corporations and limited-liability companies. (Chapters 78 and 86 of NRS) This bill revises certain provisions relating to business entities and makes certain other changes generally relating to business entities.

Section 1 of this bill removes the requirement that a clerk of the court mail to certain management persons of a business entity true and attested copies of the process served on the registered agent of the entity, and instead requires that the party serving the registered agent mail to such management persons a copy of any document served upon the registered agent.

Section 38 of this bill repeals the selectively applicable definitions of ~~["market value,"]~~ "publicly traded corporation," ~~["resident domestic corporation" and]~~ "Securities Exchange Act ~~[,"]~~ " and "voting shares," respectively, and replaces the definitions in section 2 of this bill in order to expand the applicability of such definitions to the entirety of chapter 78 of NRS. Sections 3, 7 and 8 of this bill make conforming changes related to the definition of the "Securities Exchange Act." Section 14.2 of this bill makes a conforming change related to the definition of "voting shares."

Section 4 of this bill authorizes a corporation to include a federal forum selection clause in its articles of incorporation or bylaws under certain circumstances.

Section 5 of this bill expressly provides that the directors and officers of a corporation may consider one or more facts, circumstances, contingencies or constituencies when exercising their respective powers.

Section 6 of this bill revises the definition of "distribution," as it relates to distributions made by corporations, by delineating that the term applies to all holders of shares of any one or more classes or series of the capital stock of the corporation. Sections 9 and 10 of this bill make conforming changes related to distributions made by corporations.

Section 11 of this bill authorizes a meeting of stockholders to be held solely by means of remote communication unless otherwise prescribed by the board of directors. Section 11 also provides that, in addition to the stockholders, the corporation may permit certain other persons to attend the remote meeting. Moreover, section 11 provides that the corporation must implement measures to verify the identity of the permitted persons.

Section 12 of this bill provides that the record date for a meeting of stockholders of the corporation: (1) must be fixed through a resolution adopted by the board of directors; and (2) must not precede the day on which the resolution is adopted by the board of directors, regardless of the effective date of the resolution.

Section 12 also provides that the date upon which the stockholders of record are entitled to give written consent for certain actions taken by the corporation must not precede the day on which the resolution fixing such a date is adopted by the board of directors, regardless of the effective date of the resolution.

Section 13 of this bill: (1) establishes provisions concerning the validity and enforceability of certain voting agreements; and (2) revises provisions relating to the limitation on the duration of certain voting agreements.

Section 14 of this bill revises the form of notice for meetings of stockholders by requiring the notice to include the following information: (1) the date of the meeting; (2) if the meeting is to be held by means of remote communication, the form of the remote communication; and (3) if the meeting is not going to be held solely by means of remote communication, the physical location of the meeting. Section 14 additionally applies these changes to the form of notice required for adjourned meetings of stockholders.

Section 14 also: (1) revises provisions related to notice by publication; and (2) establishes provisions authorizing certain publicly traded corporations to provide notice by proxy statement under certain circumstances.

Section 14.5 of this bill expressly provides that whenever a corporation is insolvent and in certain other circumstances, any creditors holding at least 10 percent of the outstanding indebtedness, or stockholders owning at least 10 percent of the outstanding stock entitled to vote, may petition a district court for a writ of injunction and the appointment of receivers or trustees.

Section 15 of this bill expands the circumstances by which a corporation may discretionally indemnify a person who is or was a party to an action, or threatened to be made a party to an action, by authorizing the corporation to indemnify any such person who is or was serving at the request of the corporation as a manager of a limited-liability company.

Section 16 of this bill provides exception for corporations that are associations or unit-owners' associations from the requirement that corporations issue a certificate of membership to any person who becomes a member of the corporation.

Section 19 of this bill defines the term "distribution" for the purposes of section 21 of this bill concerning noneconomic members of limited-liability companies and sections 23 and 24 of this bill relating to the circumstances by which a limited-liability company is authorized to or prohibited from making distributions and certain other provisions of law relating to limited-liability companies.

Sections 22 and 25-27 of this bill require that a vote of approval for certain actions taken by a limited-liability company be determined by a specified proportion "in interest" of the members, as defined by section 18 of this bill. Section 38 makes a conforming change by repealing the definition of the term "majority in interest." Section 20 of this bill makes a conforming change relating to the placement of section 18 in the Nevada Revised Statutes.

Section 22.5 of this bill : (1) provides that the provisions concerning the form of contributions to capital of a member of a limited-liability company or a series apply to the entirety of chapter 86 of NRS ~~[.]~~ ; and (2) clarifies the form of such contributions.

Section 32 of this bill provides the circumstances under which a vote of the stockholders of a domestic corporation is not required to authorize a merger in which the corporation is a constituent entity.

Section 33 of this bill provides that a plan of merger, conversion or exchange involving a domestic limited partnership must be approved, in relevant part, by a majority of the total contributions of the limited partners.

Section 34 of this bill provides that a plan of merger, conversion or exchange involving a domestic limited-liability company must be approved by: (1) a majority of the total contributions of the members, if there is one class of members; or (2) a majority of the total contributions of each class of members, if there are two or more classes of members.

Section 35 of this bill revises the applicability of the limitations on dissenter's rights. Section 36 of this bill makes various changes related to the notification of stockholders concerning corporate actions creating dissenter's rights, including, without limitation, authorizing a domestic corporation to send an advance notice statement to the stockholders if a proposed corporate action creating dissenter's rights is submitted for approval pursuant to a written consent of the stockholders or taken without a vote of the stockholders.

Section 37 of this bill makes various changes to provisions related to the prerequisites for a demand by a stockholder for payment of the shares of the stockholder, including requiring such a stockholder to file a statement of intent under certain circumstances.

Sections 29 and 30 of this bill define the terms "advance notice statement" and "statement of intent," respectively. Section 31 of this bill makes conforming changes related to the placement of the definitions in the Nevada Revised Statutes.

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

Section 1. NRS 75.160 is hereby amended to read as follows:

75.160 1. Every nonresident of this State who, on or after October 1, 2013, accepts election or appointment, including reelection or reappointment, as a management person of an entity, or who, on or after October 1, 2014, serves in such capacity, and every resident of this State who accepts election or appointment or serves in such capacity and thereafter removes residence from this State shall be deemed, by the acceptance or by the service, to have consented to the appointment of the registered agent of the entity as an agent upon whom service of process may be made in all civil actions or proceedings brought in this State by, on behalf of or against the entity in which the management person is a necessary or proper party, or in any action or proceeding against the management person for a violation of a duty in such capacity, whether or not the person continues to serve as the management person at the time the action or proceeding is commenced. The acceptance or the service by the management person shall be deemed to be signification of the consent of the management person that any process so served has the same

legal force and validity as if served upon the management person within this State.

2. Service of process must be effected by serving the registered agent with a true copy in the manner provided by law for service of process. In addition, the ~~[clerk of the court in which the civil action or proceeding is pending]~~ *party serving the registered agent* shall, within 7 days after *such* service, send by registered or certified mail, postage prepaid, ~~[true and attested]~~ copies of the ~~[process,]~~ *documents served upon the registered agent,* together with a statement that service is being made pursuant to this section, addressed to the management person at the address as it appears on the records of the Secretary of State, or if no such address appears, at the address last known to the *serving* party . ~~[desiring to make the service.]~~

3. The appointment of the registered agent is irrevocable. If any entity or management person fails to appoint a registered agent, or fails to file a statement of change of registered agent pursuant to NRS 77.340 before the effective date of a vacancy in the agency pursuant to NRS 77.330 or 77.370, on the production of a certificate of the Secretary of State showing either fact, which is conclusive evidence of the fact so certified to be made a part of the return of service, or if the street address of the registered agent of the entity is not staffed as required pursuant to NRS 14.020, which fact is to be made part of the return of service, the management person may be served with any and all legal process, or a demand or notice described in NRS 14.020, by delivering a copy to the Secretary of State or, in the absence of the Secretary of State, to any deputy secretary of state, and such service is valid to all intents and purposes. The copy must:

(a) Include a specific citation to the provisions of this section. The Secretary of State may refuse to accept such service if the proper citation is not included.

(b) Be accompanied by a fee of $10.

➥ The Secretary of State shall keep a copy of the legal process received pursuant to this section in the Office of the Secretary of State for at least 1 year after receipt thereof and shall make those records available for public inspection during normal business hours.

4. In all cases of service pursuant to subsection 3, the defendant has 40 days, exclusive of the day of service, within which to answer or plead. Before such service is authorized, the plaintiff shall make or cause to be made and filed an affidavit setting forth the facts, showing that due diligence has been used to ascertain the whereabouts of the management person to be served, and the facts showing that direct or personal service on, or notice to, the management person cannot be made.

5. If it appears from the affidavit that there is a last known address of the management person, the plaintiff shall, in addition to and after such service on the Secretary of State, mail or cause to be mailed to the management person at such address, by registered or certified mail, a copy of the summons and a copy of the complaint, and in all such cases the defendant has 40 days after the date of the mailing within which to appear in the action.

6. Service pursuant to subsection 3 provides an additional manner of serving process, and does not affect the validity of any other valid service.

7. In any action in which any management person has been served with process pursuant to subsection 2, the time in which a defendant is required to appear and file a responsive pleading must be computed from the date of mailing by the ~~[clerk of the court.]~~ *serving party.* The court may grant an extension of time as may be necessary to afford the management person reasonable opportunity to defend the action.

8. In a charter or other writing, a management person or owner of any entity may consent to be subject to the nonexclusive jurisdiction of the courts of, or arbitration in, a specified jurisdiction, or the exclusive jurisdiction of the courts of this State, or the exclusivity of arbitration in a specified jurisdiction or this State, and to be served with process in the manner prescribed in the charter or other writing. Notwithstanding any other provision of this subsection, except by agreeing to arbitrate any arbitrable matter in a specified jurisdiction or in this State, an owner of an entity who is not a management person may not waive its right to maintain a legal action or proceeding in the courts of this State with respect to matters relating to the organization or internal affairs of an entity. Without limiting or affecting the enforceability under the laws of this State governing corporations of any consent or agreement by a management person or stockholder of a corporation, this subsection does not apply to an entity which is a corporation.

9. This section does not limit or affect the right to serve process in any other manner now existing or hereafter enacted. This section is an extension of, and not a limitation upon, the right otherwise existing of service of legal process upon nonresidents.

10. As used in this section:

(a) "Charter" means the articles of organization or an operating agreement of a limited-liability company, the certificate of limited partnership or partnership agreement of a limited partnership or the certificate of trust or governing instrument of a business trust.

(b) "Entity" means a domestic:

(1) Corporation, whether or not for profit;

(2) Limited-liability company;

(3) Limited partnership; or

(4) Business trust.

(c) "Management person" means a director, officer, manager, managing member, general partner or trustee of an entity.

(d) "Owner" means a member of a limited-liability company, limited partner of a limited partnership or beneficial owner of a business trust.

(e) "Registered agent" has the meaning ascribed to it in NRS 77.230.

Sec. 2. NRS 78.010 is hereby amended to read as follows:

78.010 1. As used in this chapter:

(a) "Approval" and "vote" as describing action by the directors or stockholders mean the vote of directors in person or by written consent or of stockholders in person, by proxy or by written consent.

(b) "Articles," "articles of incorporation" and "certificate of incorporation" are synonymous terms and, unless the context otherwise requires, include all certificates filed pursuant to NRS 78.030, 78.180, 78.185, 78.1955, 78.209, 78.380, 78.385, 78.390, 78.725 and 78.730 and any articles of merger, conversion, exchange or domestication filed pursuant to NRS 92A.200 to 92A.240, inclusive, or 92A.270. Unless the context otherwise requires, these terms include restated articles and certificates of incorporation.

(c) "Directors" and "trustees" are synonymous terms.

(d) "Entity" means a foreign or domestic:

(1) Corporation, whether or not for profit;

(2) Limited-liability company;

(3) Limited partnership; or

(4) Business trust.

(e) ~~*["Market value" when used in reference to the shares or property of any resident domestic corporation, means:*~~

~~*(1) In the case of shares, the highest closing sale price of a share during the 30 calendar days immediately preceding the date in question on the principal United States securities exchange registered under the Securities Exchange Act on which the shares are listed, or, if the shares are not listed on any such exchange, the fair market value on the date in question of a share as determined by the board of directors of the resident domestic corporation in good faith.*~~

~~*(2) In the case of property other than cash or shares, the fair market value of the property on the date in question as determined by the board of directors of the resident domestic corporation in good faith.*~~

~~*(f)]*~~ *"Publicly traded corporation" means a domestic corporation that has a class or series of voting shares which is:*

(1) A covered security under section 18(b)(1)(A) or (B) of the Securities Act of 1933, 15 U.S.C. § 77r(b)(1)(A) or (B), as amended; or

(2) Traded in an organized market and that has at least 2,000 stockholders and a market value of at least $20,000,000, exclusive of the value of such shares held by the corporation's subsidiaries, senior executives, directors and beneficial stockholders owning more than 10 percent of such shares.

~~*[(g)]*~~ *(f)* "Principal office" means the office, in or out of this State, where the principal executive offices of a domestic or foreign corporation are located.

~~[(f)~~ ~~*(h)]*~~ *(g)* "Receiver" includes receivers and trustees appointed by a court as provided in this chapter or in chapter 32 of NRS.

~~[(g)~~ ~~*(i)]*~~ *(h)* "Registered agent" has the meaning ascribed to it in NRS 77.230.

~~[(h)~~ ~~*(j)]*~~ *(i)* "Registered office" means the office maintained at the street address of the registered agent.

[(i) ~~*(k) "Resident domestic corporation" means a domestic corporation that has 200 or more stockholders of record. A resident domestic corporation does not cease to be a resident domestic corporation by reason of events occurring or actions taken while the resident domestic corporation is subject to NRS 78.411 to 78.444, inclusive.*~~

~~*(l)*~~ *(j) "Securities Exchange Act" means the Act of Congress known as the Securities Exchange Act of 1934, as amended, 15 U.S.C. §§ 78a et seq.*

~~*[(m)]*~~ *(k)* "Stockholder of record" means a person whose name appears on the stock ledger of the corporation as the owner of record of shares of any class or series of the stock of the corporation. The term does not include a beneficial owner of shares who is not simultaneously the owner of record of such shares as indicated in the stock ledger.

(l) "Voting shares" means shares of stock of a corporation entitled to vote generally in the election of directors.

2. General terms and powers given in this chapter are not restricted by the use of special terms, or by any grant of special powers contained in this chapter.

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

~~*(a) "Share" has the meaning ascribed to it in NRS 78.429.*~~

~~*(b) "Subsidiary" has the meaning ascribed to it in NRS 78.431.*~~

~~*(c) "Voting shares" has the meaning ascribed to it in NRS 78.432.]*~~

Sec. 3. NRS 78.045 is hereby amended to read as follows:

78.045 1. The Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed pursuant to the laws of this State which provides that the name of the corporation contains the word "bank" or "trust," unless:

(a) It appears from the articles or the certificate of amendment that the corporation proposes to carry on business as a banking or trust company, exclusively or in connection with its business as a bank, savings and loan association, savings bank or thrift company; and

(b) The articles or certificate of amendment is first approved by the Commissioner of Financial Institutions.

2. The Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed pursuant to the provisions of this chapter if it appears from the articles or the certificate of amendment that the business to be carried on by the corporation is subject to supervision by the Commissioner of Insurance or by the Commissioner of Financial Institutions, unless the articles or certificate of amendment is approved by the Commissioner who will supervise the business of the corporation.

3. Except as otherwise provided in subsection 7, the Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed pursuant to the laws of this State if the name of the corporation contains the words

"engineer," "engineered," "engineering," "professional engineer," "registered engineer" or "licensed engineer" unless:

(a) The State Board of Professional Engineers and Land Surveyors certifies that the principals of the corporation are licensed to practice engineering pursuant to the laws of this State; or

(b) The State Board of Professional Engineers and Land Surveyors certifies that the corporation is exempt from the prohibitions of NRS 625.520.

4. Except as otherwise provided in subsection 7, the Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed pursuant to the laws of this State if the name of the corporation contains the words "architect," "architecture," "registered architect," "licensed architect," "registered interior designer," "registered interior design," "residential designer," "registered residential designer," "licensed residential designer" or "residential design" unless the State Board of Architecture, Interior Design and Residential Design certifies that:

(a) The principals of the corporation are holders of a certificate of registration to practice architecture or residential design or to practice as a registered interior designer, as applicable, pursuant to the laws of this State; or

(b) The corporation is qualified to do business in this State pursuant to NRS 623.349.

5. The Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed pursuant to the laws of this State which provides that the name of the corporation contains the word "accountant," "accounting," "accountancy," "auditor" or "auditing" unless the Nevada State Board of Accountancy certifies that the corporation:

(a) Is registered pursuant to the provisions of chapter 628 of NRS; or

(b) Has filed with the Nevada State Board of Accountancy under penalty of perjury a written statement that the corporation is not engaged in the practice of accounting and is not offering to practice accounting in this State.

6. The Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed or existing pursuant to the laws of this State which provides that the name of the corporation contains the words "common-interest community," "community association," "master association," "unit-owners' association" or "homeowners' association" or if it appears in the articles of incorporation or certificate of amendment that the purpose of the corporation is to operate as a unit-owners' association pursuant to chapter 116 or 116B of NRS unless the Administrator of the Real Estate Division of the Department of Business and Industry certifies that the corporation has:

(a) Registered with the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels pursuant to NRS 116.31158 or 116B.625; and

(b) Paid to the Administrator of the Real Estate Division the fees required pursuant to NRS 116.31155 or 116B.620.

7. The provisions of subsections 3 and 4 do not apply to any corporation, whose securities are publicly traded and regulated by the Securities Exchange Act , ~~[of 1934,]~~ which does not engage in the practice of professional engineering, architecture or residential design or interior design, as applicable.

8. The Commissioner of Financial Institutions and the Commissioner of Insurance may approve or disapprove the articles or amendments referred to them pursuant to the provisions of this section.

Sec. 4. NRS 78.046 is hereby amended to read as follows:

78.046 1. The articles of incorporation or bylaws of a corporation may require, to the extent not inconsistent with any applicable jurisdictional requirements ~~[,]~~ *and the laws of the United States*, that any, all or certain ~~[internal]~~ *:*

(a) Concurrent jurisdiction actions must be brought solely or exclusively in the court or courts specified in the requirement; and

(b) Internal actions must be brought solely or exclusively in the court or courts specified in the requirement, which must include at least one court in this State.

2. Unless otherwise expressly set forth in the articles of incorporation or bylaws, ~~[such a]~~ *any* requirement *described in subsection 1* must not be interpreted as prohibiting any corporation from consenting, or requiring any corporation to consent, to any alternative forum in any instance.

~~[2.]~~ *3.* The provisions of this section do not create or authorize any cause of action against a corporation or its directors or officers.

~~[3.]~~ *4.* As used in this section:

(a) *"Concurrent jurisdiction action" means any action, suit or proceeding against the corporation or any of its directors or officers, that:*

(1) Asserts a cause of action under the laws of the United States;

(2) Could be properly commenced in either a federal forum or a forum of this State or any other state; and

(3) Is brought by or in the name or on behalf of:

(I) The corporation;

(II) Any stockholder of the corporation; or

(III) Any subscriber for, or purchaser or offeree of, any shares or other securities of the corporation.

(b) "Court" means any court of:

(1) This State, including, without limitation, those courts in any county having a business court, as that term is defined in NRS 13.050;

(2) A state other than this State; or

(3) The United States.

~~[(b)]~~ *(c)* "Internal action" means any action, suit or proceeding:

(1) Brought in the name or right of the corporation or on its behalf, including, without limitation, any action subject to NRS 41.520;

(2) For or based upon any breach of any fiduciary duty owed by any director, officer, employee or agent of the corporation in such capacity; or

(3) Arising pursuant to, or to interpret, apply, enforce or determine the validity of, any provision of this title, the articles of incorporation, the bylaws or any agreement entered into pursuant to NRS 78.365 to which the corporation is a party or a stated beneficiary thereof.

Sec. 5. NRS 78.138 is hereby amended to read as follows:

78.138 1. The fiduciary duties of directors and officers are to exercise their respective powers in good faith and with a view to the interests of the corporation.

2. In exercising their respective powers, directors and officers may, and are entitled to, rely on information, opinions, reports, books of account or statements, including financial statements and other financial data, that are prepared or presented by:

(a) One or more directors, officers or employees of the corporation reasonably believed to be reliable and competent in the matters prepared or presented;

(b) Counsel, public accountants, financial advisers, valuation advisers, investment bankers or other persons as to matters reasonably believed to be within the preparer's or presenter's professional or expert competence; or

(c) A committee on which the director or officer relying thereon does not serve, established in accordance with NRS 78.125, as to matters within the committee's designated authority and matters on which the committee is reasonably believed to merit confidence,

➥ but a director or officer is not entitled to rely on such information, opinions, reports, books of account or statements if the director or officer has knowledge concerning the matter in question that would cause reliance thereon to be unwarranted.

3. Except as otherwise provided in subsection 1 of NRS 78.139, directors and officers, in deciding upon matters of business, are presumed to act in good faith, on an informed basis and with a view to the interests of the corporation. A director or officer is not individually liable for damages as a result of an act or failure to act in his or her capacity as a director or officer except as described in subsection 7.

4. Directors and officers, in exercising their respective powers with a view to the interests of the corporation, may:

(a) Consider all relevant facts, circumstances, contingencies or constituencies, ~~[including,]~~ *which may include,* without limitation ~~[:]~~ *, one or more of the following:*

(1) The interests of the corporation's employees, suppliers, creditors or customers;

(2) The economy of the State or Nation;

(3) The interests of the community or of society;

(4) The long-term or short-term interests of the corporation, including the possibility that these interests may be best served by the continued independence of the corporation; or

(5) The long-term or short-term interests of the corporation's stockholders, including the possibility that these interests may be best served by the continued independence of the corporation.

(b) Consider or assign weight to the interests of any particular person or group, or to any other relevant facts, circumstances, contingencies or constituencies.

5. Directors and officers are not required to consider, as a dominant factor, the effect of a proposed corporate action upon any particular group or constituency having an interest in the corporation.

6. The provisions of subsections 4 and 5 do not create or authorize any causes of action against the corporation or its directors or officers.

7. Except as otherwise provided in NRS 35.230, 90.660, 91.250, 452.200, 452.270, 668.045 and 694A.030, or unless the articles of incorporation or an amendment thereto, in each case filed on or after October 1, 2003, provide for greater individual liability, a director or officer is not individually liable to the corporation or its stockholders or creditors for any damages as a result of any act or failure to act in his or her capacity as a director or officer unless:

(a) The presumption established by subsection 3 has been rebutted; and

(b) It is proven that:

(1) The director's or officer's act or failure to act constituted a breach of his or her fiduciary duties as a director or officer; and

(2) Such breach involved intentional misconduct, fraud or a knowing violation of law.

8. This section applies to all cases, circumstances and matters, including, without limitation, any change or potential change in control of the corporation unless otherwise provided in the articles of incorporation or an amendment thereto.

Sec. 6. NRS 78.191 is hereby amended to read as follows:

78.191 As used in NRS 78.191 to 78.307, inclusive, unless the context otherwise requires, the word "distribution" means a direct or indirect transfer of money or other property , other than its own shares or the incurrence of indebtedness by a corporation , to or for the benefit of ~~[its stockholders]~~ *all holders of shares of any one or more classes or series of the capital stock of the corporation,* with respect to ~~[any of its]~~ *such* shares. A distribution may be in the form of a declaration or payment of a dividend, a purchase, redemption or other acquisition of shares, a distribution of indebtedness, or otherwise.

Sec. 7. NRS 78.257 is hereby amended to read as follows:

78.257 1. Any person who has been a stockholder of record of any corporation and owns not less than 15 percent of all of the issued and outstanding shares of the stock of such corporation or has been authorized in writing by the holders of at least 15 percent of all its issued and outstanding shares, upon at least 5 days' written demand, including the affidavit required

pursuant to subsection 2, is entitled to inspect in person or by agent or attorney, during normal business hours, the books of account and all financial records of the corporation, to make copies of records, and to conduct an audit of such records. Holders of voting trust certificates representing 15 percent of the issued and outstanding shares of the corporation are regarded as stockholders for the purpose of this subsection. The right of stockholders to inspect the corporate records may not be limited in the articles or bylaws of any corporation.

2. Together with the written demand required pursuant to subsection 1, a person who wishes to exercise the rights set forth in subsection 1 shall furnish an affidavit to the corporation stating that the inspection, copies or audit is not desired for any purpose not related to his or her interest as a stockholder.

3. All costs for making copies of records or conducting an audit must be borne by the person exercising the rights set forth in subsection 1.

4. The rights authorized by subsection 1 may be denied to any stockholder upon the stockholder's refusal to furnish the corporation an affidavit required pursuant to subsection 2. Any stockholder or other person, exercising rights set forth in subsection 1, who uses or attempts to use information, records or other data obtained from the corporation, for any purpose not related to the stockholder's interest in the corporation as a stockholder, is guilty of a gross misdemeanor.

5. If any officer or agent of any corporation keeping records in this State willfully neglects or refuses to permit an inspection of the books of account and financial records upon demand by a person entitled to inspect them, or refuses to permit an audit to be conducted by such a person, as provided in subsection 1, the corporation shall forfeit to the State the sum of $100 for every day of such neglect or refusal, and the corporation, officer or agent thereof is jointly and severally liable to the person injured for all damages resulting to the person.

6. A stockholder who brings an action or proceeding to enforce any right set forth in this section or to recover damages resulting from its denial:

(a) Is entitled to costs and reasonable attorney's fees, if the stockholder prevails; or

(b) Is liable for such costs and fees, if the stockholder does not prevail,

➥ in the action or proceeding.

7. Except as otherwise provided in this subsection, the provisions of this section do not apply to any corporation that furnishes to its stockholders a detailed, annual financial statement or any corporation that has filed during the preceding 12 months all reports required to be filed pursuant to section 13 or section 15(d) of the Securities Exchange Act ~~[of 1934.]~~ *, 15 U.S.C. §§ 78m or 78o(d).* A person who owns, or is authorized in writing by the owners of, at least 15 percent of the issued and outstanding shares of the stock of a corporation that has elected to be governed by subchapter S of the Internal Revenue Code and whose shares are not listed or traded on any recognized stock exchange is entitled to inspect the books of the corporation pursuant to

subsection 1 and has the rights, duties and liabilities provided in subsections 2 to 6, inclusive.

Sec. 8. NRS 78.265 is hereby amended to read as follows:

78.265 1. The provisions of this section apply to corporations organized in this State before October 1, 1991.

2. Except to the extent limited or denied by this section or the articles of incorporation, shareholders have a preemptive right to acquire unissued shares, treasury shares or securities convertible into such shares.

3. Unless otherwise provided in the articles of incorporation:

(a) A preemptive right does not exist:

(1) To acquire any shares issued to directors, officers or employees pursuant to approval by the affirmative vote of the holders of a majority of the shares entitled to vote or when authorized by a plan approved by such a vote of shareholders;

(2) To acquire any shares sold for a consideration other than cash;

(3) To acquire any shares issued at the same time that the shareholder who claims a preemptive right acquired his or her shares;

(4) To acquire any shares issued as part of the same offering in which the shareholder who claims a preemptive right acquired his or her shares; or

(5) To acquire any shares, treasury shares or securities convertible into such shares, if the shares or the shares into which the convertible securities may be converted are upon issuance registered pursuant to section 12 of the Securities Exchange Act , ~~[of 1934,]~~ 15 U.S.C. § 78l.

(b) Holders of shares of any class that is preferred or limited as to dividends or assets are not entitled to any preemptive right.

(c) Holders of common stock are not entitled to any preemptive right to shares of any class that is preferred or limited as to dividends or assets or to any obligations, unless convertible into shares of common stock or carrying a right to subscribe to or acquire shares of common stock.

(d) Holders of common stock without voting power have no preemptive right to shares of common stock with voting power.

(e) The preemptive right is only an opportunity to acquire shares or other securities upon such terms as the board of directors fixes for the purpose of providing a fair and reasonable opportunity for the exercise of such right.

Sec. 9. NRS 78.288 is hereby amended to read as follows:

78.288 1. Except as otherwise provided in subsection 2 and the articles of incorporation, a board of directors may authorize and the corporation may make distributions to the holders of any class or series of the ~~[corporation's shares,]~~ *capital stock of the corporation*, including distributions on shares that are partially paid.

2. No distribution may be made if, after giving it effect:

(a) The corporation would not be able to pay its debts as they become due in the usual course of business; or

(b) Except as otherwise specifically allowed by the articles of incorporation, the corporation's total assets would be less than the sum of its

total liabilities plus the amount that would be needed, if the corporation were to be dissolved immediately after the time of the distribution, to satisfy the preferential rights upon such dissolution of ~~[stockholders]~~ *holders of shares of any class or series of the capital stock of the corporation* ~~[whose]~~ *having* preferential rights ~~[are]~~ superior to those receiving the distribution.

3. The board of directors may base a determination that a distribution is not prohibited pursuant to subsection 2 on:

(a) Financial statements prepared on the basis of accounting practices that are reasonable in the circumstances;

(b) A fair valuation, including, but not limited to, unrealized appreciation and depreciation; or

(c) Any other method that is reasonable in the circumstances.

4. The effect of a distribution pursuant to subsection 2 must be measured:

(a) In the case of a distribution by purchase, redemption or other acquisition of *shares of* the ~~[corporation's shares,]~~ *capital stock of the corporation*, as of the earlier of:

(1) The date money or other property is transferred or debt incurred by the corporation; or

(2) The date upon which the ~~[stockholder]~~ *holder of such shares* ceases to ~~[be a stockholder with respect to]~~ *hold* the acquired shares.

(b) In the case of any other distribution of indebtedness, as of the date the indebtedness is distributed.

(c) In all other cases, as of:

(1) The date the distribution is authorized if the payment occurs within 120 days after the date of authorization; or

(2) The date the payment is made if it occurs more than 120 days after the date of authorization.

5. A corporation's indebtedness to a ~~[stockholder]~~ *holder of shares of one or more classes or series of the capital stock of the corporation* incurred by reason of a distribution made in accordance with this section is at parity with the corporation's indebtedness to its general unsecured creditors except to the extent subordinated by agreement.

6. Indebtedness of a corporation, including indebtedness issued as a distribution, is not considered a liability for purposes of determinations pursuant to subsection 2 if its terms provide that payment of principal and interest are made only if and to the extent that payment of a distribution ~~[to stockholders]~~ could then be made pursuant to this section. If the indebtedness is issued as a distribution, each payment of principal or interest must be treated as a distribution, the effect of which must be measured on the date the payment is actually made.

7. The board of directors may fix a record date for determining ~~[stockholders]~~ *holders of shares of one or more classes or series of the capital stock of the corporation* entitled to a distribution authorized by the board of directors pursuant to this section, which record date must not precede the date upon which the resolution fixing the record date is adopted.

8. This section does not apply to any distribution in liquidation pursuant to NRS 78.590.

9. The provisions of chapter 112 of NRS do not apply to any distribution made by a corporation in accordance with this chapter.

Sec. 10. NRS 78.300 is hereby amended to read as follows:

78.300 1. The directors of a corporation shall not make distributions ~~[to stockholders]~~ except as provided by this chapter.

2. Except as otherwise provided in subsection 3 and NRS 78.138, in case of any violation of the provisions of this section, the directors under whose administration the violation occurred are jointly and severally liable, at any time within 3 years after each violation, to the corporation, and, in the event of its dissolution or insolvency, to its creditors at the time of the violation, or any of them, to the lesser of the full amount of the distribution made or of any loss sustained by the corporation by reason of the distribution . ~~[to stockholders.]~~

3. The liability imposed pursuant to subsection 2 does not apply to a director who caused his or her dissent to be entered upon the minutes of the meeting of the directors at the time the action was taken or who was not present at the meeting and caused his or her dissent to be entered on learning of the action.

Sec. 11. NRS 78.320 is hereby amended to read as follows:

78.320 1. Unless this chapter, the articles of incorporation or the bylaws provide for different proportions:

(a) A majority of the voting power, which includes the voting power that is present in person or by proxy, regardless of whether the proxy has authority to vote on any matter, constitutes a quorum for the transaction of business; and

(b) Action by the stockholders on a matter other than the election of directors is approved if the number of votes cast in favor of the action exceeds the number of votes cast in opposition to the action.

2. Unless otherwise provided in the articles of incorporation or the bylaws, any action required or permitted to be taken at a meeting of the stockholders may be taken without a meeting if, before or after the action, a written consent thereto is signed by stockholders holding at least a majority of the voting power, except that if a different proportion of voting power is required for such an action at a meeting, then that proportion of written consents is required.

3. In no instance where action is authorized by written consent need a meeting of stockholders be called or notice given.

4. Unless otherwise restricted by the articles of incorporation or bylaws, stockholders *and certain other persons permitted by the corporation to attend a meeting of stockholders* may participate in ~~[a]~~ *the* meeting ~~[of stockholders]~~ through *remote communication, including, without limitation,* electronic communications, videoconferencing, teleconferencing or other available technology , if the corporation has implemented reasonable measures to:

(a) Verify the identity of each person participating through such means as a stockholder ~~[;]~~ *or permitted person;* and

(b) Provide the stockholders a reasonable opportunity to participate in the meeting and to vote on matters submitted to the stockholders, including an opportunity to communicate, and to read or hear the proceedings of the meetings in a substantially concurrent manner with such proceedings.

5. Unless otherwise restricted by the articles of incorporation or bylaws, a meeting of stockholders may be held solely by remote communication pursuant to subsection 4 ~~[.]~~ *and, if a meeting is so held, no other means of communication is required in the conduct of the meeting unless otherwise prescribed by the board of directors.*

6. Participation in a meeting pursuant to subsection 4 constitutes presence in person at the meeting.

7. Unless this chapter, the articles of incorporation or the bylaws provide for different proportions, if voting by a class or series of stockholders is permitted or required:

(a) A majority of the voting power of the class or series that is present in person or by proxy, regardless of whether the proxy has authority to vote on any matter, constitutes a quorum for the transaction of business; and

(b) An act by the stockholders of each class or series is approved if a majority of the voting power of a quorum of the class or series votes for the action.

8. Unless otherwise provided in the articles of incorporation or the bylaws, once a share is represented in person or by proxy for any purpose at a meeting, the share shall be deemed present for purposes of determining a quorum for the remainder of the meeting and for any adjournment of the meeting unless a new record date is or must be fixed for the adjourned meeting.

Sec. 12. NRS 78.350 is hereby amended to read as follows:

78.350 1. Unless otherwise provided in the articles of incorporation, or in the certificate of designation establishing the class or series of stock, every stockholder of record of a corporation is entitled at each meeting of stockholders thereof to one vote for each share of stock standing in his or her name on the records of the corporation. If the articles of incorporation, or the certificate of designation establishing the class or series of stock provides for more or less than one vote per share for any class or series of shares on any matter, every reference in this chapter to a majority or other proportion of stock shall be deemed to refer to a majority or other proportion of the voting power of all of the shares or those classes or series of shares, as may be required by the articles of incorporation, or in the certificate of designation establishing the class or series of stock or the provisions of this chapter.

2. Unless a period of more than 60 days or a period of less than 10 days is prescribed or fixed in the articles of incorporation, the *board of* directors may prescribe a period not exceeding 60 days before any meeting of the stockholders during which no transfer of stock on the books of the corporation may be made, or may fix ~~[, in advance,]~~ a record date not more than 60 or less than 10 days before the date of any such meeting as the date as of which

stockholders entitled to notice of and to vote at such meetings must be determined.

3. If a record date for a meeting of stockholders is fixed by the board of directors:

(a) The record date:

(1) Must be so fixed pursuant to a resolution adopted by the board of directors; and

(2) Must not precede the day on which the resolution is adopted by the board of directors, regardless of the effective date of the resolution.

(b) Only stockholders of record on ~~[that]~~ *the record* date are entitled to notice *of* or to vote at ~~[such a]~~ *the* meeting.

4. If a record date *for a meeting of stockholders* is not fixed ~~[,]~~ *by the board of directors,* the record date is at the close of business on the day before the day on which the first notice is given or, if notice is waived, at the close of business on the day before the meeting is held.

5. A determination of stockholders of record entitled to notice of or to vote at a meeting of stockholders applies to ~~[an]~~ *any* adjournment or postponement of the meeting unless the board of directors fixes a new record date for the adjourned or postponed meeting. The board of directors must fix a new record date if the meeting is adjourned or postponed to a date more than 60 days later than the meeting date set for the original meeting.

~~[3.]~~ *6.* The board of directors may adopt a resolution prescribing a date upon which the stockholders of record entitled to give written consent pursuant to NRS 78.320 must be determined. The date prescribed by the board of directors may not precede or be more than 10 days after the ~~[date]~~ *day on which* the resolution is adopted by the board of directors ~~[.]~~ *, regardless of the effective date of the resolution.*

7. If the board of directors does not adopt a resolution prescribing a date upon which the stockholders of record entitled to give written consent pursuant to NRS 78.320 must be determined and:

(a) No prior action by the board of directors is required by this chapter or chapter 92A of NRS before the matter is submitted for consideration by the stockholders, the date is the first date on which any stockholder delivers to the corporation such consent signed by the stockholder.

(b) Prior action by the board of directors is required by this chapter or chapter 92A of NRS before the matter is submitted for consideration by the stockholders, the date is at the close of business on the day the board of directors adopts the resolution.

~~[4.]~~ *8.* The provisions of this section do not restrict the directors from taking action to protect the interests of the corporation and its stockholders, including, but not limited to, adopting or signing plans, arrangements or instruments that grant or deny rights, privileges, power or authority to a holder or holders of a specified number of shares or percentage of share ownership or voting power.

Sec. 13. NRS 78.365 is hereby amended to read as follows:

78.365 1. A stockholder, by agreement in writing, may transfer his or her stock to a voting trustee or trustees for the purpose of conferring the right to vote the stock for a period not exceeding 15 years upon the terms and conditions therein stated. Any certificates of stock so transferred must be surrendered and cancelled and new certificates for the stock issued to the trustee or trustees in which it must appear that they are issued pursuant to the agreement, and in the entry of ownership in the proper books of the corporation that fact must also be noted, and thereupon the trustee or trustees may vote the stock so transferred during the terms of the agreement. A duplicate of every such agreement must be filed in the registered office of the corporation and at all times during its terms be open to inspection by any stockholder or his or her attorney.

2. At any time within the 2 years next preceding the expiration of an agreement entered into pursuant to the provisions of subsection 1, or the expiration of an extension of that agreement, any beneficiary of the trust may, by written agreement with the trustee or trustees, extend the duration of the trust for a time not to exceed 15 years after the scheduled expiration date of the original agreement or the latest extension. An extension is not effective unless the trustee, before the expiration date of the original agreement or the latest extension, files a duplicate of the agreement providing for the extension in the registered office of the corporation. An agreement providing for an extension does not affect the rights or obligations of any person not a party to that agreement. *An agreement entered into pursuant to the provisions of subsection 1 is not invalidated by the fact that, by its terms, its duration is more than 15 years, but its duration shall be deemed amended to conform with the provisions of this section.*

3. An agreement between two or more stockholders, if in writing and signed by ~~[them,]~~ *each stockholder to be bound thereby,* may provide that in exercising any voting rights *,* the stock held by ~~[them]~~ *each such stockholder* must be voted:

(a) Pursuant to the provisions of the agreement;

(b) As they may subsequently agree; or

(c) In accordance with a procedure agreed upon.

4. *An agreement pursuant to the provisions of subsection 3 is valid and enforceable against the transferee of a stockholder party to the agreement only:*

(a) If and to the extent that the transferee agrees in writing to be bound by the agreement; or

(b) If the agreement expressly provides that it is enforceable against the transferee of a stockholder party to the agreement and:

(1) The transferee had actual knowledge of the existence of the agreement before the transfer; or

(2) The existence of the agreement is noted conspicuously on the front or back of the stock certificate or is contained in the written statement of information required by subsection 5 of NRS 78.235.

5. An agreement ~~[entered into]~~ pursuant to the provisions of subsection 3 , *or an amendment thereto or an extension thereof, in each case entered into before October 1, 2021,* is not ~~[effective]~~ *:*

(a) Effective for a term of more than 15 years, but at any time within the 2 years next preceding the expiration of the agreement the parties thereto may extend its duration for ~~[as many additional periods, each not to exceed 15 years, as they wish.~~

~~5. An]~~ *such period as is stated in the extension* ~~[agreement entered into pursuant to the provisions of subsection 1 or 3 is not invalidated]~~ *; and*

(b) Invalidated by the fact that by its terms its duration is more than 15 years, but its duration shall be deemed amended to conform with the provisions of this section.

Sec. 14. NRS 78.370 is hereby amended to read as follows:

78.370 1. If under the provisions of this chapter stockholders are required or authorized to take any action at a meeting, the notice of the meeting must be in writing.

2. Except in the case of the annual meeting, the notice must state the purpose or purposes for which the meeting is called. In all instances, the notice must state ~~[the]~~ *:*

(a) The date and time ~~[when, and the place, which may be within or without this State, where]~~ *of* the meeting ~~[is to be held, and the]~~ *;*

(b) The means of ~~[electronic communications,]~~ *remote communication,* if any, by which stockholders and proxies shall be deemed to be present in person and vote ~~[.]~~ *at the meeting; and*

(c) Unless the meeting is to be held solely by remote communication pursuant to subsection 5 of NRS 78.320, the physical location of the meeting, which may be within or without this State.

3. A copy of the notice must be delivered personally, mailed postage prepaid or delivered as provided in NRS 75.150 to each stockholder of record entitled to vote at the meeting not less than 10 nor more than 60 days before the meeting. If mailed, it must be directed to the stockholder at his or her address as it appears upon the records of the corporation. Personal delivery of any such notice to any officer of a corporation or association, to any member of a limited-liability company managed by its members, to any manager of a limited-liability company managed by managers, to any general partner of a partnership or to any trustee of a trust constitutes delivery of the notice to the corporation, association, limited-liability company, partnership or trust.

4. The articles of incorporation or the bylaws may require that the notice be also published in one or more newspapers ~~[.]~~ *but, notwithstanding such a requirement in the articles of incorporation or bylaws, notice by publication in one or more newspapers is not required if the corporation is a publicly traded corporation on the record date for the meeting.*

5. Notice delivered or mailed to a stockholder in accordance with the provisions of this section and NRS 75.150 and the provisions, if any, of the articles of incorporation or the bylaws is sufficient, and in the event of the transfer of the stockholder's stock after such delivery or mailing and before the holding of the meeting it is not necessary to deliver or mail notice of the meeting to the transferee.

6. Unless otherwise provided in the articles of incorporation or the bylaws, if notice is required to be delivered, under any provision of this chapter or the articles of incorporation or bylaws of any corporation, to any stockholder to whom:

(a) Notice of two consecutive annual meetings, and all notices of meetings or of the taking of action by written consent without a meeting to the stockholder during the period between those two consecutive annual meetings; or

(b) All, and at least two, payments sent by first-class mail of dividends or interest on securities during a 12-month period,

➥ have been mailed addressed to the stockholder at his or her address as shown on the records of the corporation and have been returned undeliverable, the delivery of further notices to the stockholder is not required. Any action or meeting taken or held without notice to such a stockholder has the same effect as if the notice had been delivered. If any such stockholder delivers to the corporation a written notice setting forth his or her current address, the requirement that notice be delivered to the stockholder is reinstated. If the action taken by the corporation is such as to require the filing of a certificate under any of the other sections of this chapter, the certificate need not state that notice was not delivered to persons to whom notice was not required to be delivered pursuant to this subsection. The delivery of further notices to a stockholder is still required for any notice returned as undeliverable if the notice was delivered by electronic transmission.

7. Unless the articles of incorporation or bylaws otherwise require, and except as otherwise provided in this subsection, if a ~~[stockholders']~~ meeting *of stockholders* is adjourned , ~~[to another date, time or place,]~~ notice *of the following information* need not be delivered ~~[of the]~~ *if the information is announced at the meeting at which the adjournment is taken:*

(a) The date ~~[,]~~ *and* time ~~[or place]~~ of the adjourned meeting ~~[if they are announced at the meeting at which the adjournment is taken.]~~ *;*

(b) The means of remote communication, if any, by which stockholders and proxies shall be deemed to be present in person and vote at the adjourned meeting; and

(c) Unless the adjourned meeting is to be held solely by remote communication pursuant to subsection 5 of NRS 78.320, the physical location of the adjourned meeting, which may be within or without this State.

8. If a new record date is fixed for an adjourned or postponed meeting, notice of the adjourned or postponed meeting must be delivered to each stockholder of record as of the new record date.

9. The requirements for notice pursuant to this section are satisfied by a corporation if the corporation is a publicly traded corporation on the record date for the meeting and the corporation timely files, pursuant to section 14(a) of the Securities Exchange Act, 15 U.S.C. § 78n(a), a proxy statement or an amendment thereto, containing the information described in subsection 2, unless such notice by proxy statement is expressly prohibited in:

(a) The articles of incorporation or an amendment thereto, which are filed and effective on or after October 1, 2021; or

(b) The bylaws or an amendment thereto, which are effective on or after October 1, 2021.

10. As used in this section, "remote communication" includes any form of communication described in subsection 4 of NRS 78.320.

Sec. 14.2. NRS 78.411 is hereby amended to read as follows:

78.411 As used in NRS 78.411 to 78.444, inclusive, unless the context otherwise requires, the words and terms defined in NRS 78.412 to ~~[78.432,]~~ *78.431,* inclusive, have the meanings ascribed to them in those sections.

Sec. 14.5. NRS 78.630 is hereby amended to read as follows:

78.630 1. Whenever any corporation becomes insolvent or suspends its ordinary business for want of money to carry on the business, or if its business has been and is being conducted at a great loss and greatly prejudicial to the interest of its creditors or stockholders, any creditors holding *at least* 10 percent of the outstanding indebtedness, or stockholders owning *at least* 10 percent of the outstanding stock entitled to vote, may, by petition setting forth the facts and circumstances of the case, apply to the district court of the county in which the principal office of the corporation is located or, if the principal office is not located in this State, to the district court in the county in which the corporation's registered office is located for a writ of injunction and the appointment of a receiver or receivers or trustee or trustees.

2. The court, being satisfied by affidavit or otherwise of the sufficiency of the application and of the truth of the allegations contained in the petition and upon hearing after such notice as the court by order may direct, shall proceed in a summary way to hear the affidavits, proofs and allegations which may be offered in behalf of the parties.

3. If upon such inquiry it appears to the court that the corporation has become insolvent and is not about to resume its business in a short time thereafter, or that its business has been and is being conducted at a great loss and greatly prejudicial to the interests of its creditors or stockholders, so that its business cannot be conducted with safety to the public, it may issue an injunction to restrain the corporation and its officers and agents from exercising any of its privileges or franchises and from collecting or receiving any debts or paying out, selling, assigning or transferring any of its estate, money, lands, tenements or effects, except to a receiver appointed by the court, until the court otherwise orders.

Sec. 15. NRS 78.7502 is hereby amended to read as follows:

78.7502 1. A corporation may indemnify pursuant to this subsection any

person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, except an action by or in the right of the corporation, by reason of the fact that the person is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise ~~[,]~~ *or as a manager of a limited-liability company*, against expenses, including attorneys' fees, judgments, fines and amounts paid in settlement actually and reasonably incurred by the person in connection with the action, suit or proceeding if the person:

(a) Is not liable pursuant to NRS 78.138; or

(b) Acted in good faith and in a manner which he or she reasonably believed to be in or not opposed to the best interests of the corporation, and, with respect to any criminal action or proceeding, had no reasonable cause to believe the conduct was unlawful.

➥ The termination of any action, suit or proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent, does not, of itself, create a presumption that the person is liable pursuant to NRS 78.138 or did not act in good faith and in a manner which he or she reasonably believed to be in or not opposed to the best interests of the corporation, or that, with respect to any criminal action or proceeding, he or she had reasonable cause to believe that the conduct was unlawful.

2. A corporation may indemnify pursuant to this subsection any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action or suit by or in the right of the corporation to procure a judgment in its favor by reason of the fact that the person is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise *or as a manager of a limited-liability company*, against expenses, including amounts paid in settlement and attorneys' fees actually and reasonably incurred by the person in connection with the defense or settlement of the action or suit if the person:

(a) Is not liable pursuant to NRS 78.138; or

(b) Acted in good faith and in a manner which he or she reasonably believed to be in or not opposed to the best interests of the corporation.

➥ Indemnification pursuant to this section may not be made for any claim, issue or matter as to which such a person has been adjudged by a court of competent jurisdiction, after exhaustion of any appeals taken therefrom, to be liable to the corporation or for amounts paid in settlement to the corporation, unless and only to the extent that the court in which the action or suit was brought or other court of competent jurisdiction determines upon application that in view of all the circumstances of the case, the person is fairly and reasonably entitled to indemnity for such expenses as the court deems proper.

3. Any discretionary indemnification pursuant to this section, unless ordered by a court or advanced pursuant to subsection 2 of NRS 78.751, may be made by the corporation only as authorized in each specific case upon a determination that the indemnification of a director, officer, employee or agent of a corporation is proper under the circumstances. The determination must be made by:

(a) The stockholders;

(b) The board of directors, by majority vote of a quorum consisting of directors who were not parties to the action, suit or proceeding; or

(c) Independent legal counsel, in a written opinion, if:

(1) A majority vote of a quorum consisting of directors who were not parties to the action, suit or proceeding so orders; or

(2) A quorum consisting of directors who were not parties to the action, suit or proceeding cannot be obtained.

Sec. 16. NRS 81.430 is hereby amended to read as follows:

81.430 1. Any person or any number of persons, including and in addition to the original incorporators, may become members of the corporation upon such terms and conditions as to membership, and subject to such rules and regulations as to their, and each of their, contract and other rights and liabilities between it and the member, as the corporation shall prescribe in its bylaws.

2. ~~[The]~~ *Unless the corporation is an association or a unit-owners' association, each term as defined in NRS 116.011, the* corporation shall issue a certificate of membership to each member, but the membership or the certificate thereof shall not, except as provided in NRS 81.410 to 81.540, inclusive, be assigned by any member to any other person, nor shall the assigns thereof be entitled to membership in the corporation, or to any property rights or interest therein.

3. The board of directors may, however, by motion duly adopted by it, consent to such assignment or transfer, and to the acceptance of the assignee or transferee as a member of the corporation.

4. The corporation shall also have the right, by its bylaws, to provide for or against the transfer of membership and for or against the assignment of membership certificates, and also the terms and conditions upon which any such transfer or assignment shall be allowed.

Sec. 17. Chapter 86 of NRS is hereby amended by adding thereto the provisions set forth as sections 18 and 19 of this act.

Sec. 18. *"In interest," when used in reference to a stated proportion and:*

1. In reference to a limited-liability company, means such proportion of the total contributions of the members to the capital of the limited-liability company, as adjusted from time to time to properly reflect any additional contributions or withdrawals by the members.

2. In reference to a series, means such proportion of the total contributions of the members to the capital of the series, as adjusted from time

to time to properly reflect any additional contributions or withdrawals from the series by the members associated with the series.

Sec. 19. *As used in NRS 86.281 to 86.351, inclusive, unless the context otherwise requires, "distribution" means a direct or indirect transfer of money or property, other than its own member's interests, or the incurrence of indebtedness, by a limited-liability company to or for the benefit of all holders of any one or more classes or series of its members' interests with respect to such interests or as otherwise provided in the articles of organization or operating agreement.*

Sec. 20. NRS 86.011 is hereby amended to read as follows:

86.011 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 86.022 to 86.1255, inclusive, *and section 18 of this act* have the meanings ascribed to them in those sections.

Sec. 21. NRS 86.095 is hereby amended to read as follows:

86.095 *1.* "Noneconomic member" means a member of a limited-liability company who:

~~[1.]~~ *(a)* Does not own a member's interest in the company;

~~[2.]~~ *(b)* Does not have an obligation to contribute capital to the company;

~~[3.]~~ *(c)* Does not have a right to participate in or receive distributions ~~[of profits of]~~ *from* the company or an obligation to contribute to the losses of the company; and

~~[4.]~~ *(d)* May have voting rights and other rights and privileges given to noneconomic members of the company by the articles of organization or operating agreement.

2. As used in this section, "distribution" has the meaning ascribed to it in section 19 of this act.

Sec. 22. NRS 86.291 is hereby amended to read as follows:

86.291 1. Except as otherwise provided in this section or in the articles of organization or operating agreement, management of a limited-liability company is vested in its members ~~[. in proportion to their contribution to its capital, as adjusted from time to time to reflect properly any additional contributions or withdrawals by the members.]~~ *proportionally in interest thereof.*

2. Unless otherwise provided in the articles of organization or operating agreement, the management of a series is vested in the members associated with the series ~~[in proportion to their contribution to the capital of the series, as adjusted from time to time to reflect properly any additional contributions or withdrawals from the assets or income of the series by the members associated with the series.]~~ *proportionally in interest thereof.*

3. If provision is made in the articles of organization, management of the company may be vested in a manager or managers, who may but need not be members. The manager or managers shall hold the offices, have the responsibilities and otherwise manage the company as set forth in the operating agreement of the company or, if the company has not adopted an operating agreement, then as prescribed by the members.

Sec. 22.5. NRS 86.321 is hereby amended to read as follows:

86.321 ~~[The]~~ *For purposes of this chapter, ~~[the contributions]~~ a contribution* to capital of a member to a limited-liability company or series may ~~[be in cash,]~~ *consist of tangible or intangible* property or *any other benefit to the limited-liability company or series, including, without limitation, money, real or personal property,* services ~~[rendered,]~~ *performed,* or a promissory note or other binding obligation to contribute cash or property or to perform services.

Sec. 23. NRS 86.341 is hereby amended to read as follows:

86.341 A limited-liability company may, from time to time, ~~[divide the profits of its business and distribute them to its members, and any transferee as his or her interest may appear, upon the basis]~~ *make distributions as* ~~[stipulated]~~ *provided* in the *articles of organization or* operating agreement. If the *articles of organization or* operating agreement ~~[does]~~ *do* not otherwise provide, ~~[profits and losses]~~ *the distributions* must be allocated proportionately to the value, as shown in the records of the company, of the contributions made by each member and not returned.

Sec. 24. NRS 86.343 is hereby amended to read as follows:

86.343 1. Except as otherwise provided in subsection 2, a distribution ~~[of the profits and contributions of]~~ *from* a limited-liability company must not be made if, after giving it effect:

(a) The company would not be able to pay its debts as they become due in the usual course of business; or

(b) Except as otherwise specifically permitted by the articles of organization, the total assets of the company would be less than the sum of its total liabilities.

2. A distribution ~~[of the profits and contributions of]~~ *from* a series of the company must not be made if, after giving it effect:

(a) The company would not be able to pay the debts of the series from assets of the series as debts of the series become due in the usual course of business; or

(b) Except as otherwise specifically permitted by the articles of organization, the total assets of the series would be less than the sum of the total liabilities of the series.

3. The manager *or managers* or, if management of the company is not vested in a manager or managers, the members , may base a determination that a distribution is not prohibited pursuant to this section on:

(a) Financial statements prepared on the basis of accounting practices that are reasonable in the circumstances;

(b) A fair valuation, including unrealized appreciation and depreciation; or

(c) Any other method that is reasonable in the circumstances.

4. The effect of a distribution pursuant to this section must be measured:

(a) In the case of a distribution by purchase, redemption or other acquisition by the company of member's interests, as of the earlier of:

(1) The date on which money or other property is transferred or debt incurred by the company; or

(2) The date on which the member ceases to be a member with respect to his or her acquired interest.

(b) In the case of any other distribution of indebtedness, as of the date on which the indebtedness is distributed.

(c) In all other cases, as of:

(1) The date on which the distribution is authorized if the payment occurs within 120 days after the date of authorization; or

(2) The date on which the payment is made if it occurs more than 120 days after the date of authorization.

5. Indebtedness of the company, or a series of the company, including indebtedness issued as a distribution, is not considered a liability for purposes of determinations pursuant to this section if its terms provide that payment of principal and interest are to be made only if and to the extent that payment of a distribution to the members could then be made pursuant to this section. If the indebtedness is issued as a distribution, each payment of principal or interest must be treated as a distribution, the effect of which must be measured as of the date of payment.

6. Except as otherwise provided in subsection 7, a member who receives a distribution in violation of this section is liable to the limited-liability company *or the series, as applicable,* for the amount of the distribution. This subsection does not affect the validity of an obligation or liability of a member created by an agreement or other applicable law for the amount of a distribution.

7. A member who receives a distribution from a limited-liability company *or the series, as applicable,* in violation of this section is not liable to the limited-liability company *or such series, as applicable,* and, in the event of its dissolution or insolvency, to its creditors, or any of them, for the amount of the distribution after the expiration of 3 years after the date of the distribution unless an action to recover the distribution from the member is commenced before the expiration of the 3-year period following the distribution.

8. Except as otherwise provided in the articles of organization or operating agreement, the manager or managers or, if the management of the company is not vested in a manager or managers, the members, may fix a record date for determining the members entitled to a distribution authorized pursuant to this section. The record date must not precede the day on which it is fixed.

Sec. 25. NRS 86.5411 is hereby amended to read as follows:

86.5411 1. Whenever any limited-liability company becomes insolvent or suspends its ordinary business for want of money to carry on the business, or if its business has been and is being conducted at a great loss and greatly prejudicial to the interest of its creditors or members, any creditors holding *at least* 10 percent of the outstanding indebtedness ~~[, or members owning either 10 percent of the outstanding member's interests or 10 percent of the voting~~

~~power]~~ of the company ~~[,]~~ *or at least 10 percent in interest of the members,* may, by petition setting forth the facts and circumstances of the case, apply to the district court of the county in which the principal office of the company is located or, if the principal office is not located in this State, to the district court in the county in which the company's registered office is located for a writ of injunction and the appointment of a receiver or receivers or trustee or trustees.

2. The court, being satisfied by affidavit or otherwise of the sufficiency of the application and of the truth of the allegations contained in the petition and upon hearing after such notice as the court by order may direct, shall proceed in a summary way to hear the affidavits, proofs and allegations which may be offered in behalf of the parties.

3. If, upon such inquiry it appears to the court that the company has become insolvent and is not about to resume its business in a short time thereafter, or that its business has been and is being conducted at a great loss and greatly prejudicial to the interests of its creditors or members so that its business cannot be conducted with safety to the public, it may issue an injunction to restrain the company and its managers, managing members, officers and agents from exercising any of its privileges or franchises and from collecting or receiving any debts or paying out, selling, assigning or transferring any of its estate, money, lands, tenements or effects, except to a receiver appointed by the court, until the court otherwise orders.

4. The rights of a member set forth in this section may be exercised by a noneconomic member if specifically set forth in the articles of organization or the operating agreement.

Sec. 26. NRS 86.5415 is hereby amended to read as follows:

86.5415 1. ~~[Any member owning either 10 percent of the outstanding member's interests or]~~ *Members holding not less than* 10 percent ~~[of the voting power]~~ *in interest* of the limited-liability company may apply to the district court in the county in which the company has its principal place of business or, if the principal place of business is not located in this State, to the district court in the county in which the company's registered office is located, for an order appointing a receiver, and by injunction restrain the company from exercising any of its powers or doing business whatsoever, except by and through a receiver appointed by the court, whenever irreparable injury to the company is threatened or being suffered and:

(a) The company has willfully violated its charter;

(b) Its managers or managing members have been guilty of fraud or collusion or gross mismanagement in the conduct or control of its affairs and the presumption established by subsection 3 has been rebutted with respect to such conduct or control;

(c) The assets of the company are in danger of waste, sacrifice or loss through attachment, foreclosure, litigation or otherwise; or

(d) The company has dissolved, but has not proceeded diligently to wind up its affairs, or to distribute its assets in a reasonable time.

2. The application may be for the appointment of a receiver, without at the same time applying for the dissolution of the company, and notwithstanding the absence, if any there be, of any action or other proceeding in the premises pending in such court.

3. In any such application for a receivership, it is sufficient for a temporary appointment if notice of the same is given to the company alone, by process as in the case of an application for a temporary restraining order or injunction, and the hearing thereon may be had after 5 days' notice unless the court directs a longer or different notice and different parties.

4. The court may, if good cause exists therefor, appoint one or more receivers for such purpose, but in all cases managers or managing members who have been guilty of no negligence nor active breach of duty must be preferred in making the appointment. The court may at any time for sufficient cause make a decree terminating the receivership, or dissolving the company and terminating its existence, or both, as may be proper.

5. Receivers so appointed have, among the usual powers, all the functions, powers, tenure and duties to be exercised under the direction of the court as are conferred on receivers and as provided pursuant to NRS 86.5412, 86.5413 and 86.5414, whether the company is insolvent or not.

6. The requirement ~~[as to ownership or voting]~~ *to hold not less than 10 percent in interest* set forth in subsection 1 shall be maintained from the date of and throughout the pendency of the application for the appointment of a receiver of the company.

7. The rights of a member set forth in this section may be exercised by a noneconomic member if specifically set forth in the articles of organization or the operating agreement.

Sec. 27. NRS 86.5416 is hereby amended to read as follows:

86.5416 Whenever ~~[members holding member's interests entitling them to exercise at least]~~ a majority *in interest* of the ~~[voting power]~~ *members* of the limited-liability company ~~[shall]~~ have agreed upon a plan for the reorganization of the company and a resumption by it of the management and control of its property and business, the company may, with the consent of the district court:

1. Upon the reconveyance to it of its property and franchises, mortgage the same for such amount as may be necessary for the purposes of reorganization; and

2. Issue bonds or other evidences of indebtedness, or additional member's interests of one or more classes, or both bonds and member's interests, or certificates of investment or participation certificates, and use the same for the full or partial payment of the creditors who will accept the same, or otherwise dispose of the same for the purposes of the reorganization.

Sec. 28. Chapter 92A of NRS is hereby amended by adding thereto the provisions set forth as sections 29 and 30 of this act.

Sec. 29. *"Advance notice statement" when used in reference to a proposed corporate action creating dissenter's rights that is taken or submitted*

for approval pursuant to a written consent of the stockholders or taken without a vote of the stockholders, means written notice of the proposed corporate action sent by the subject corporation to all stockholders of record entitled to assert dissenter's rights if the corporate action is effectuated. Such notice must:

1. Be sent not later than 20 days before the effective date of the proposed corporate action;

2. Identify the proposed corporate action;

3. Provide that a stockholder who wishes to assert dissenter's rights with respect to any class or series of shares must deliver a statement of intent to the subject corporation and set a date by which the subject corporation must receive the statement of intent, which may not be less than 15 days after the date the notice is sent, and state that the stockholder shall be deemed to have waived the right to assert dissenter's rights with respect to the shares unless the statement of intent is received by the subject corporation by such specified date; and

4. Be accompanied by a copy of NRS 92A.300 to 92A.500, inclusive.

Sec. 30. *"Statement of intent" when used in reference to a proposed corporate action creating dissenter's rights, means written notice of a stockholder's intent to assert dissenter's rights and demand payment for the stockholder's shares if the corporate action is effectuated.*

Sec. 31. NRS 92A.005 is hereby amended to read as follows:

92A.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 92A.007 to 92A.092, inclusive, *and sections 29 and 30 of this act* have the meanings ascribed to them in those sections.

Sec. 32. NRS 92A.133 is hereby amended to read as follows:

92A.133 1. Unless otherwise expressly required by the articles of incorporation, no vote of the stockholders of a ~~[publicly traded]~~ *domestic* corporation is necessary to authorize a merger in which the ~~[publicly traded]~~ *domestic* corporation is a constituent entity if the plan of merger expressly permits or requires the merger to be effected under this section and:

(a) The ownership threshold requirement is satisfied without any offer, subject to the provisions of subsection 2; or

(b) The ownership threshold requirement is satisfied in whole or in part by way of an offer and ~~[the]~~ *:*

(1) The domestic corporation has been a publicly traded corporation at all times during the period between:

(I) The date of the commencement of the offer or the date of the adoption of the plan of merger by the board of directors of the domestic corporation, whichever is earlier; and

(II) The effective date of the merger; and

(2) The plan of merger requires that:

~~[(1)]~~ *(I)* The merger must be effected as soon as practicable following the consummation of the offer if the merger is effected under this section; and

~~[(2)]~~ *(II)* Each outstanding share of each class or series of stock of the ~~[publicly traded]~~ *domestic* corporation that is the subject of, and not irrevocably accepted for purchase or exchange in, the offer must be converted in such merger into, or into the right to receive, the same amount and kind of cash, property, rights or securities to be paid for shares of such class or series of stock of the ~~[publicly traded]~~ *domestic* corporation irrevocably accepted for purchase or exchange in the offer. The plan of merger may expressly provide that the requirements of this ~~[subparagraph]~~ *sub-subparagraph* must not apply to specified categories of excluded shares.

2. If a merger pursuant to this section is to be effectuated without any offer:

(a) The ownership threshold requirement must be satisfied without counting the voting power of any shares of the stock of the ~~[publicly traded]~~ *domestic* corporation acquired from the ~~[publicly traded]~~ *domestic* corporation, or any of the directors, officers, affiliates or associates thereof, within the 6 months immediately preceding the adoption of the plan of merger ~~[; and]~~ *by the board of directors of the domestic corporation;*

(b) The ~~[publicly traded]~~ *domestic* corporation must provide notice of the merger to all of its stockholders not less than 30 days before the effective date of the merger ~~[.]~~ *; and*

(c) The domestic corporation must have been a publicly traded corporation at all times during the period between the date of the adoption of the plan of merger by the board of directors of the domestic corporation and the effective date of the merger.

3. This section does not apply to circumvent or contravene the provisions of NRS 78.378 to 78.3793, inclusive, or NRS 78.411 to 78.444, inclusive.

4. As used in this section:

(a) "Affiliate" has the meaning ascribed to it in NRS 78.412.

(b) "Associate" has the meaning ascribed to it in NRS 78.413.

(c) "Consummation" means the irrevocable acceptance for purchase or exchange of shares tendered pursuant to an offer.

(d) "Excluded shares" means:

(1) Rollover shares; and

(2) Shares of the ~~[publicly traded]~~ *domestic* corporation that are owned beneficially or of record at the commencement of an offer by:

(I) The ~~[publicly traded]~~ *domestic* corporation;

(II) The constituent entity making the offer;

(III) Any person who owns, directly or indirectly, all of the outstanding equity interests of the constituent entity making the offer; or

(IV) Any direct or indirect wholly owned subsidiary of any of the foregoing.

(e) "Offer" means an offer made by the other constituent entity in the merger for all of the outstanding shares of each class or series of stock of the ~~[publicly traded]~~ *domestic* corporation listed on a national securities exchange, on the terms provided in the plan of merger that, absent this section, would be

entitled to vote on the ~~[adoption]~~ *approval* of the plan of merger. The other constituent entity in the merger may, but is not required to, engage in the consummation of separate offers for separate classes or series of the stock of the ~~[publicly traded]~~ *domestic* corporation. An offer may, but is not required to:

(1) Exclude any excluded shares; and

(2) Be conditioned on the tender of a minimum number or proportion of shares of any class or series of the stock of the ~~[publicly traded]~~ *domestic* corporation.

(f) "Owned affiliate" means, with respect to a constituent entity, any other person who owns, directly or indirectly, all of the outstanding equity interests of the constituent entity, or any direct or indirect wholly owned subsidiary of the constituent entity or other person.

(g) "Ownership threshold requirement" means that the voting power of the stock of the ~~[publicly traded]~~ *domestic* corporation otherwise owned beneficially or of record by the other constituent entity in the merger or any of the owned affiliates of the other constituent entity, together with the voting power of any rollover shares and any shares irrevocably accepted for purchase or exchange pursuant to any offer and received before the expiration of the offer by the agent or depositary appointed to facilitate the consummation of the offer, equals at least that proportion of the voting power of the stock, and of each class or series thereof, of the ~~[publicly traded]~~ *domestic* corporation that, absent this section, would be required to approve the plan of merger under this chapter and the articles of incorporation and bylaws of the ~~[publicly traded]~~ *domestic* corporation. For the purposes of this paragraph, shares are received:

(1) If the shares are certificated shares, upon physical receipt by the agent or depositary of a stock certificate with an executed letter of transmittal or other instrument of transfer;

(2) If the shares are uncertificated shares held of record by a clearing corporation as nominee, upon transfer into the account of the agent or depositary by way of an agent's message; and

(3) If the shares are uncertificated shares held of record by a person other than a clearing corporation as nominee, upon physical receipt by the agent or depositary of an executed letter of transmittal or other instrument of transfer.

(h) "Publicly traded corporation" means a domestic corporation that has a class or series of voting shares which is a covered security under section 18(b)(1)(A) or (B) of the Securities Act of 1933, 15 U.S.C. § 77r(b)(1)(A) or (B), as amended.

(i) "Rollover shares" means any shares of any class or series of the capital stock of the ~~[publicly traded]~~ *domestic* corporation that are the subject of a written agreement requiring such shares to be contributed or otherwise transferred to the other constituent entity in the merger or any of the owned affiliates of the other constituent entity in exchange for shares or other equity interest in the other constituent entity or any of its owned affiliates. Shares

must cease to be rollover shares if, as of the effective time of the merger, the shares have not been contributed or otherwise transferred pursuant to the written agreement.

Sec. 33. NRS 92A.140 is hereby amended to read as follows:

92A.140 1. Unless otherwise provided in the partnership agreement or the certificate of limited partnership, a plan of merger, conversion or exchange involving a domestic limited partnership must be approved by all general partners and by limited partners who own a majority in interest of the partnership then owned by all the limited partners. If the partnership has more than one class of limited partners, the plan of merger, conversion or exchange must be approved by those limited partners who own a majority in interest of the partnership then owned by the limited partners in each class.

2. ~~[For the purposes of this section, "majority in interest of the partnership" means a majority of the interests in capital and profits of the limited partners of a domestic limited partnership which:~~

~~(a) In the case of capital, is determined as of the date of the approval of the plan of merger, conversion or exchange.~~

~~(b) In the case of profits, is based on any reasonable estimate of profits for the period beginning on the date of the approval of the plan of merger, conversion or exchange and ending on the anticipated date of the termination of the domestic limited partnership, including any present or future division of profits distributed pursuant to the partnership agreement.~~

~~3.]~~ If any partner of a domestic limited partnership, which will be the constituent entity in a conversion, will have any liability for the obligations of the resulting entity after the conversion because the partner will be the owner of an owner's interest in the resulting entity, then that partner must also approve the plan of conversion.

3. As used in this section, "majority in interest of the partnership" means a majority of the total contributions of the limited partners to the capital of the partnership, as adjusted from time to time to reflect properly any additional contributions or withdrawals by the partners.

Sec. 34. NRS 92A.150 is hereby amended to read as follows:

92A.150 1. Unless otherwise provided in the articles of organization or an operating agreement:

(a) A plan of merger, conversion or exchange involving a domestic limited-liability company must be approved by ~~[members who own]~~ a majority ~~[of the interests in the current profits of the company then owned by all]~~ *in interest* of the members; and

(b) If the company has more than one class of members, the plan of merger, conversion or exchange must be approved by ~~[those members who own]~~ a majority ~~[of the interests in the current profits]~~ *in interest* of the ~~[company then owned by the]~~ members in each class.

2. If any manager or member of a domestic limited-liability company, which will be the constituent entity in a conversion, will have any liability for the obligations of the resulting entity after the conversion because the manager

or member will be the owner of an owner's interest in the resulting entity, then that manager or member must also approve the plan of conversion.

3. As used in this section, "in interest" has the meaning ascribed to it in section 18 of this act.

Sec. 35. NRS 92A.390 is hereby amended to read as follows:

92A.390 1. There is no right of dissent pursuant to paragraph (a), (b), (c) or (f) of subsection 1 of NRS 92A.380 in favor of stockholders of any class or series which is:

(a) A covered security under section 18(b)(1)(A) or (B) of the Securities Act of 1933, 15 U.S.C. § 77r(b)(1)(A) or (B), as amended;

(b) Traded in an organized market and has at least 2,000 stockholders and a market value of at least $20,000,000, exclusive of the value of such shares held by the corporation's subsidiaries, senior executives, directors and beneficial stockholders owning more than 10 percent of such shares; or

(c) Issued by an open end management investment company registered with the Securities and Exchange Commission under the Investment Company Act of 1940, 15 U.S.C. §§ 80a-1 et seq., as amended, and which may be redeemed at the option of the holder at net asset value,

➥ unless the articles of incorporation of the corporation issuing the class or series or the resolution of the board of directors approving the plan of merger, conversion or exchange expressly provide otherwise.

2. The applicability of subsection 1 must be determined as of:

(a) The record date fixed to determine the stockholders entitled to receive notice of and to vote at the meeting of stockholders to act upon the corporate action *otherwise* requiring dissenter's rights; or

(b) The day before the effective date of such corporate action if ~~[there]~~ *:*

(1) There is no meeting of stockholders ~~[.]~~ *to act upon the corporate action otherwise requiring dissenter's rights; or*

(2) The corporate action is a merger described in NRS 92A.133.

3. Subsection 1 is not applicable and dissenter's rights are available pursuant to NRS 92A.380 for the holders of any class or series of shares who are required by the terms of the corporate action to accept for such shares anything other than:

(a) Cash;

(b) Any security or other proprietary interest of any other entity, including, without limitation, shares, equity interests or contingent value rights, that satisfies the standards set forth in subsection 1 at the time the corporate action becomes effective; or

(c) Any combination of paragraphs (a) and (b).

4. There is no right of dissent for any holders of stock of the surviving domestic corporation if the plan of merger does not require action of the stockholders of the surviving domestic corporation under NRS 92A.130.

5. There is no right of dissent for any holders of stock of the parent domestic corporation if the plan of merger does not require action of the stockholders of the parent domestic corporation under NRS 92A.180.

6. There is no right of dissent with respect to any share of stock that was not issued and outstanding on the date of the first announcement to the news media or to the stockholders of the terms of the proposed action requiring dissenter's rights.

Sec. 36. NRS 92A.410 is hereby amended to read as follows:

92A.410 1. If a proposed corporate action creating dissenter's rights is submitted *for approval pursuant* to a vote at a stockholders' meeting, the notice of the meeting must state that stockholders are, are not or may be entitled to assert dissenter's rights under NRS 92A.300 to 92A.500, inclusive. If the domestic corporation concludes that dissenter's rights are or may be available, a copy of NRS 92A.300 to 92A.500, inclusive, must accompany the meeting notice sent to those stockholders of record entitled to exercise dissenter's rights.

2. If ~~[the]~~ *a* corporate action creating dissenter's rights is ~~[taken]~~ *submitted for approval* ~~[by]~~ *pursuant to a* written consent of the stockholders or *taken* without a vote of the stockholders, the domestic corporation *:*

(a) May send an advance notice statement with respect to the proposed corporate action; and

(b) If the proposed corporate action is taken, the domestic corporation shall notify in writing all stockholders of record entitled to assert dissenter's rights that the action was taken and send them the dissenter's notice described in NRS 92A.430.

Sec. 37. NRS 92A.420 is hereby amended to read as follows:

92A.420 1. If a proposed corporate action creating dissenter's rights is submitted to a vote at a stockholders' meeting, a stockholder who wishes to assert dissenter's rights with respect to any class or series of shares:

(a) Must deliver to the subject corporation, before the vote is taken, ~~[written notice of the stockholder's]~~ *a statement of* intent ~~[to demand payment for his or her shares if]~~ *with respect to* the proposed *corporate* action *;* ~~[is effectuated;]~~ and

(b) Must not vote, or cause or permit to be voted, any of ~~[his or her]~~ *the stockholder's* shares of such class or series in favor of the proposed *corporate* action.

2. If a proposed corporate action creating dissenter's rights is taken *without a vote of the stockholders or submitted for approval* ~~[by]~~ *pursuant to a* written consent of the stockholders, a stockholder who wishes to assert dissenter's rights with respect to any class or series of shares ~~[must]~~ *:*

(a) If an advance notice statement is sent by the subject corporation pursuant to NRS 92A.410, must deliver a statement of intent with respect to any class or series of shares to the subject corporation by the date specified in the advance notice statement; and

(b) Must not consent to or approve the proposed corporate action with respect to such class or series.

3. A stockholder who does not satisfy the requirements of subsection 1 or 2 and NRS 92A.400 is not entitled to payment for his or her shares under this chapter.

Sec. 38. NRS ~~[78.424,]~~ 78.4265, ~~[78.427,]~~ 78.428 , 78.432 and 86.065 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

~~[78.424 "Market value" defined.]~~

78.4265 "Publicly traded corporation" defined.

~~[78.427 "Resident domestic corporation" defined.]~~

78.428 "Securities Exchange Act" defined.

78.432 "Voting shares" defined.

86.065 "Majority in interest" defined.

Senator Scheible moved that the Senate concur in Assembly Amendment No. 537 to Senate Bill No. 95.

Remarks by Senator Scheible.

Amendment No. 537 makes tactical changes to Senate Bill No. 95 at the request of the sponsor.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 166.

The following Assembly amendment was read:

Amendment No. 601.

SUMMARY—Revises provisions relating to crimes motivated by certain characteristics of the victim. (BDR 15-246)

AN ACT relating to crimes; revising provisions relating to crimes motivated by certain characteristics of the victim; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if a person commits certain crimes ordinarily punishable as misdemeanors because of certain characteristics of the victim including race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression, then the crime committed is punishable as a gross misdemeanor. (NRS 207.185) Existing law also provides that if a person commits certain crimes punishable as felonies because a certain characteristic of the victim, including race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression, is different from that characteristic of the perpetrator, then the crime is punishable by an additional penalty. (NRS 193.1675) For these crimes punishable as felonies, section 1 of this bill removes the requirement that the perpetrator must have a characteristic that is different from the characteristic of the victim for the additional penalty to apply and instead provides that the perpetrator may be punished by an additional penalty if the perpetrator committed the crime because of the characteristics of the victim, thereby making the standard the same for these crimes as it is for certain crimes punishable as misdemeanors under existing law. Section 1 also adds to the list

of such crimes punishable as felonies the crime of making threats or conveying false information concerning acts of terrorism, weapons of mass destruction or lethal agents or toxins.

Section 2 of this bill adds to the list of crimes ordinarily punishable as misdemeanors that are punishable as gross misdemeanors if committed because of certain characteristics of the victim the crime of threatening to cause bodily harm or death to a pupil or employee of a school district or charter school.

Sections 1 and 2 also: (1) provide that a person commits a crime because of the characteristics of the victim if the existence of any such characteristic is the primary cause in fact for the commission of the crime; and (2) require the prosecuting attorney to prove beyond a reasonable doubt that the person would not have committed the crime but for the existence of such a characteristic. Sections 1 and 2 additionally provide that any incidental comment about such a characteristic of the victim that is made by the person who commits the crime must not be the sole basis for imposing an additional or enhanced penalty, respectively, against the person, but may be considered together with other evidence as to the motivation of the person for committing the crime.

Existing law authorizes a person who has suffered injury as the proximate result of the commission of certain crimes by a perpetrator who was motivated by certain characteristics of the injured person to bring a civil action to recover his or her actual damages and punitive damages. (NRS 41.690) Section 3 of this bill adds to the list of such crimes for which such a person may bring such a civil action the crimes of: (1) making threats or conveying false information concerning acts of terrorism, weapons of mass destruction or lethal agents or toxins; and (2) threatening to cause bodily harm or death to a pupil or employee of a school district or charter school.

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

Section 1. NRS 193.1675 is hereby amended to read as follows:

193.1675 1. Except as otherwise provided in NRS 193.169, any person who , ~~*[by reason]*~~ *because of the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression of another person or group of persons,* willfully violates any provision of NRS 200.030, 200.050, 200.280, 200.310, 200.366, 200.380, 200.400, 200.460 to 200.465, inclusive, paragraph (b) of subsection 2 of NRS 200.471, NRS 200.481 which is punishable as a felony, NRS 200.508, 200.5099, subsection 2 of NRS 200.575, NRS *202.448,* 205.010 to 205.025, inclusive, 205.060, 205.067, 205.075, NRS 205.0832 which is punishable as a felony, NRS 205.220, 205.226, 205.228, 205.270, 206.150, NRS 206.330 which is punishable as a felony or NRS 207.190 ~~[because the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression of the victim was different from that characteristic of the perpetrator]~~ may, in addition to the term of imprisonment prescribed by statute for the crime, 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 20 years. In determining the length of any additional penalty imposed, 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 any additional penalty imposed.

2. *For the purposes of this section, a person willfully violates any provision of law listed in subsection 1 because of the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression of another person or group of persons if the existence of any such protected characteristic is the primary cause in fact for the commission of the crime, regardless of whether one or more other causes for the commission of the crime exist. For an additional penalty to be imposed pursuant to this section, the prosecuting attorney must prove beyond a reasonable doubt that the person would not have committed the crime but for the existence of such a protected characteristic.*

3. If a person willfully violates any provision of law listed in subsection 1, any comment made by the person about the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression of another person or group of persons that the court determines is incidental must not be the sole basis for imposing an additional penalty pursuant to this section, but may be considered in conjunction with other evidence as to the motivation of the person for committing the crime.

4. A sentence imposed pursuant to this section:

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

(b) Runs consecutively with the sentence prescribed by statute for the crime.

~~[3.]~~ *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. 2. NRS 207.185 is hereby amended to read as follows:

207.185 *1.* Unless a greater penalty is provided by law, a person who, ~~[by reason]~~ *because* of the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression of another person or group of persons, willfully violates any provision of NRS 200.471, 200.481, 200.5099, 200.571, 200.575, 203.010, 203.020, 203.030, 203.060, 203.080, 203.090, 203.100, 203.110, 203.119, NRS 205.0832 which is punishable as a misdemeanor, NRS 205.240,

205.2715, 205.274, 205.2741, 206.010, 206.040, 206.125, 206.140, 206.200, 206.310, NRS 206.330 which is punishable as a misdemeanor, NRS 207.180, 207.200 ~~[or]~~ , 207.210 *or 392.915* is guilty of a gross misdemeanor.

2. For the purposes of this section, a person willfully violates any provision of law listed in subsection 1 because of the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression of another person or group of persons if the existence of any such protected characteristic is the primary cause in fact for the commission of the crime, regardless of whether one or more other causes for the commission of the crime exist. For an enhanced penalty to be imposed pursuant to this section, the prosecuting attorney must prove beyond a reasonable doubt that the person would not have committed the crime but for the existence of such a protected characteristic.

3. If a person willfully violates any provision of law listed in subsection 1, any comment made by the person about the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression of another person or group of persons that the court determines is incidental must not be the sole basis for imposing an enhanced penalty pursuant to this section, but may be considered in conjunction with other evidence as to the motivation of the person for committing the crime.

Sec. 3. NRS 41.690 is hereby amended to read as follows:

41.690 1. A person who has suffered injury as the proximate result of the willful violation of the provisions of NRS 200.030, 200.050, 200.280, 200.310, 200.366, 200.380, 200.400, 200.460, 200.463, 200.4631, 200.464, 200.465, 200.467, 200.468, 200.471, 200.481, 200.508, 200.5099, 200.571, 200.575, *202.448*, 203.010, 203.020, 203.030, 203.060, 203.080, 203.090, 203.100, 203.110, 203.119, 205.010 to 205.025, inclusive, 205.060, 205.067, 205.075, 205.0832, 205.220, 205.226, 205.228, 205.240, 205.270, 205.2715, 205.274, 205.2741, 206.010, 206.040, 206.125, 206.140, 206.150, 206.200, 206.310, 206.330, 207.180, 207.190, 207.200 ~~[or]~~ , 207.210 *or 392.915* by a perpetrator who was motivated by the injured person's actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression may bring an action for the recovery of his or her actual damages and any punitive damages which the facts may warrant. If the person who has suffered injury prevails in an action brought pursuant to this subsection, the court shall award the person costs and reasonable attorney's fees.

2. The liability imposed by this section is in addition to any other liability imposed by law.

3. As used in this section, "gender identity or expression" has the meaning ascribed to it in NRS 193.0148.

Sec. 4. The amendatory provisions of this act apply to offenses committed on or after October 1, 2021.

Senator Scheible moved that the Senate concur in Assembly Amendment No. 601 to Senate Bill No. 166.

Remarks by Senator Scheible.

Amendment No. 601 to Senate Bill No. 166 adds clarifying language to the bill to indicate if a crime is going to be charged as a hate crime, that the standard of proof is beyond a reasonable doubt.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 177.

The following Assembly amendment was read:

Amendment No. 500.

SENATORS RATTI, CANNIZZARO , ~~[AND]~~ SCHEIBLE ; DONATE, DONDERO LOOP, GOICOECHEA, KIECKHEFER, NEAL, OHRENSCHALL AND SEEVERS GANSERT; JOINT SPONSORS: ASSEMBLYMEN BENITEZ-THOMPSON, BILBRAY-AXELROD, GONZÁLEZ, HARDY, KRASNER, MARZOLA, ORENTLICHER, SUMMERS-ARMSTRONG, TOLLES AND TORRES.

SUMMARY—Revises provisions relating to the Account for Aid for Victims of Domestic Violence. (BDR 16-926)

AN ACT relating to crimes; revising provisions governing eligibility for and awarding of grants from the Account for Aid for Victims of Domestic Violence; renaming the Account; increasing the portion of the fee for a marriage license that funds the Account; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Account for Aid for Victims of Domestic Violence in the State General Fund, which is administered by the Administrator of the Division of Child and Family Services of the Department of Health and Human Services. (NRS 217.440) Under existing law, a nonprofit organization is eligible for a grant from the Account if, among other requirements, the nonprofit organization provides its services exclusively for victims of domestic violence within this State. (NRS 217.420, 217.440) Section 2 of this bill revises the eligibility for a grant to instead require that the nonprofit organization provide its services: (1) exclusively for victims of domestic or sexual violence if located in a county whose population is 100,000 or more (currently Clark and Washoe Counties); or (2) primarily for victims of domestic or sexual violence in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties). Section 2 also excludes nonprofit organizations that provide services exclusively to victims of sexual violence from the eligibility requirement that the nonprofit organization be able to provide: (1) shelter to victims on any day, at any hour; and (2) facilities where food can be stored and prepared.

Existing law governs the allocation of money in the Account for grants for each county. Existing law requires the allocation of 15 percent of all money granted from the Account to organizations in a county whose population is

700,000 or more (currently Clark County) to an organization in the county which has been specifically created to assist victims of sexual assault. (NRS 217.410, 217.450) Section 4 of this bill requires that 75 percent of the money allocated to each county be allocated for grants for services for victims of domestic violence and 25 percent be allocated for grants for services for victims of sexual violence. Section 4 also requires the Administrator of the Division to award grants to not more than: (1) one applicant to provide services for victims of domestic violence and one applicant to provide services for victims of sexual violence in counties whose population is less than 100,000; and (2) two applicants to provide services for victims of domestic violence and two applicants to provide services for victims of sexual violence in counties whose population is 100,000 or more. Section 9 of this bill eliminates the requirement for the allocation of 15 percent of all money granted from the Account to organizations in a county whose population is 700,000 or more to an organization which has been specifically created to assist victims of sexual assault.

Section 3 of this bill renames the Account as the Account for Aid for Victims of Domestic or Sexual Violence to reflect the additional use of money in the Account for services for victims of sexual violence. Section 1 of this bill revises the definition of the term "victim of sexual assault" to include the term "victim of sexual violence" within the same definition for purposes of providing assistance to such victims. Section 5 of this bill makes a conforming change for purposes of furnishing certain reports to the Administrator.

Existing law requires a county clerk to collect certain fees when issuing a marriage license. A portion of the fees a county clerk collects when issuing a marriage license is dedicated to the Account for Aid for Victims of Domestic Violence. (NRS 122.060) Section 6 of this bill increases the portion of the fee for a marriage license that funds the Account from $25 to $50.

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

Section 1. NRS 217.400 is hereby amended to read as follows:

217.400 As used in NRS 217.400 to 217.475, inclusive, unless the context otherwise requires:

1. "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.

2. "Division" means the Division of Child and Family Services of the Department of Health and Human Services.

3. "Domestic violence" means:

(a) The attempt to cause or the causing of bodily injury to a family or household member or the placing of the member in fear of imminent physical harm by threat of force.

(b) Any of the following acts committed by a person against a family or household member, a person with whom he or she had or is having a dating

relationship or with whom he or she has a child in common, or upon his or her minor child or a minor child of that person:

(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, without limitation:

(I) Stalking.

(II) Arson.

(III) Trespassing.

(IV) Larceny.

(V) Destruction of private property.

(VI) Carrying a concealed weapon without a permit.

(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.

4. "Family or household member" means a spouse, a former spouse, a parent or other adult person who is related by blood or marriage or is or was actually residing with the person committing the act of domestic violence.

5. "Participant" means an adult, child or incapacitated person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

6. "Victim of domestic violence" includes the dependent children of the victim.

7. "Victim of human trafficking" means a person who is a victim of:

(a) Involuntary servitude as set forth in NRS 200.463 or 200.464.

(b) A violation of any provision of NRS 200.465.

(c) Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.

(d) Sex trafficking in violation of any provision of NRS 201.300.

(e) A violation of NRS 201.320 or 201.395.

8. "Victim of sexual assault" ~~[means]~~ *and "victim of sexual violence" mean* a person who has been sexually assaulted as defined in NRS 200.366 or a person upon whom a sexual assault has been attempted.

9. "Victim of stalking" means a person who is a victim of the crime of stalking or aggravated stalking as set forth in NRS 200.575.

Sec. 2. NRS 217.420 is hereby amended to read as follows:

217.420 To be eligible for a grant from the Account for Aid for Victims of Domestic *or Sexual* Violence, an applicant must:

1. Be a nonprofit corporation, incorporated or qualified in this state.

2. Be governed by a board of trustees which reflects the racial, ethnic, economic and social composition of the county to be served and includes at least one trustee who has been a victim of domestic *or sexual* violence.

3. Receive at least 15 percent of its money from sources other than the Federal Government, the State, any local government or other public body or their instrumentalities. Any goods or services which are contributed to the organization may be assigned their reasonable monetary value for the purpose of complying with the requirement of this subsection.

4. Provide its services ~~[exclusively]~~ *:*

(a) Exclusively for victims of domestic *or sexual* violence and only within this state ~~[.]~~ *if located in a county whose population is 100,000 or more; or*

(b) Primarily for victims of domestic or sexual violence and only within this state if located in a county whose population is less than 100,000.

5. Require its employees and volunteer assistants to maintain the confidentiality of any information which would identify persons receiving the services.

6. Provide its services without any discrimination on the basis of race, religion, color, age, sex, sexual orientation, gender identity or expression, marital status, national origin or ancestry.

7. Be able to provide:

(a) Except in counties whose population is less than 100,000 ~~[,]~~ *or if the organization provides services exclusively to victims of sexual violence,* shelter to victims on any day, at any hour.

(b) A telephone service capable of receiving emergency calls on any day, at any hour.

(c) Except in counties whose population is less than 100,000 ~~[,]~~ *or if the organization provides services exclusively to victims of sexual violence,* facilities where food can be stored and prepared.

(d) Counseling, or make referrals for counseling, for victims ~~[or spouses]~~ *, partners* of victims and ~~[their children.]~~ *family members.*

(e) Assistance to victims in obtaining legal, medical, psychological or vocational help.

(f) Education and training *, including prevention programs,* for members of the community on matters which relate to domestic *and sexual* violence.

Sec. 3. NRS 217.440 is hereby amended to read as follows:

217.440 1. An Account for Aid for Victims of Domestic *or Sexual* Violence is hereby created in the State General Fund. The Account must be administered by the Administrator of the Division.

2. Any nonprofit organization in the State which is able to meet the requirements specified in subsection 7 of NRS 217.420 may apply for a grant from the Account for Aid for Victims of Domestic *or Sexual* Violence.

3. An application for a grant must be received by the Division before April 1 preceding the fiscal year for which the grant is sought.

Sec. 4. NRS 217.450 is hereby amended to read as follows:

217.450 1. The Commission on Behavioral Health shall advise the Administrator of the Division concerning the award of grants from the Account for Aid for Victims of Domestic *or Sexual* Violence.

2. The Administrator of the Division shall give priority to those applications for grants from the Account for Aid for Victims of Domestic *or Sexual* Violence submitted by organizations which offer the broadest range of services for the least cost within one or more counties. The Administrator shall not approve the use of money from a grant to acquire any buildings.

3. *The Administrator of the Division shall award grants to not more than:*

(a) One applicant to provide services for victims of domestic violence and one applicant to provide services for victims of sexual violence in counties whose population is less than 100,000; and

(b) Two applicants to provide services for victims of domestic violence and two applicants to provide services for victims of sexual violence in counties whose population is 100,000 or more.

4. The Administrator of the Division has the final authority to approve or deny an application for a grant. The Administrator shall notify each applicant in writing of the action taken on its application within 45 days after the deadline for filing the application.

~~[4.]~~ *5.* In determining the amount of money to be allocated for grants, the Administrator of the Division shall use the following formula:

(a) A basic allocation of $7,000 must be made for each county whose population is less than 100,000. For counties whose population is 100,000 or more, the basic allocation is $35,000. These allocations must be increased or decreased for each fiscal year ending after June 30, 1990, by the same percentage that the amount deposited in the account during the preceding fiscal year, pursuant to NRS 122.060, is greater or less than the sum of $791,000.

(b) Any additional revenue available in the Account must be allocated to grants, on a per capita basis, for all counties whose population is 20,000 or more.

(c) *Seventy-five percent of the revenue allocated to each county must be allocated for grants for services for victims of domestic violence and 25 percent must be allocated for grants for services for victims of sexual violence.*

(d) Money remaining in the Account after disbursement of grants does not revert and may be awarded in a subsequent year.

Sec. 5. NRS 217.460 is hereby amended to read as follows:

217.460 Each organization which has received a grant for assistance to victims of domestic *or sexual* violence shall furnish quarterly and annual financial reports to the Administrator of the Division in a manner which the Administrator may prescribe.

Sec. 6. NRS 122.060 is hereby amended to read as follows:

122.060 1. The county clerk is entitled to receive as his or her fee for issuing a marriage license the sum of $21.

2. The county clerk shall also at the time of issuing the marriage license:

(a) Collect the sum of $10 and:

(1) If the board of county commissioners has adopted an ordinance pursuant to NRS 246.100, deposit the sum into the county general fund pursuant to NRS 246.180 for filing the originally signed certificate of marriage described in NRS 122.120.

(2) If the board of county commissioners has not adopted an ordinance pursuant to NRS 246.100, pay it over to the county recorder as his or her fee for recording the originally signed certificate of marriage described in NRS 122.120.

(b) Collect the additional fee described in subsection 2 of NRS 246.180, if the board of county commissioners has adopted an ordinance authorizing the collection of such fee, and deposit the fee pursuant to NRS 246.190.

(c) Collect the additional fee imposed pursuant to NRS 246.075, if the board of county commissioners has adopted an ordinance imposing the fee.

3. The county clerk shall also at the time of issuing the marriage license collect the additional sum of $4 for the State of Nevada. The fees collected for the State must be paid over to the county treasurer by the county clerk on or before the fifth day of each month for the preceding calendar month, and must be placed to the credit of the State General Fund. The county treasurer shall remit quarterly all such fees deposited by the county clerk to the State Controller for credit to the State General Fund.

4. The county clerk shall also at the time of issuing the marriage license collect the additional sum of ~~[$25]~~ *$50* for the Account for Aid for Victims of Domestic *or Sexual* Violence in the State General Fund. The fees collected for this purpose must be paid over to the county treasurer by the county clerk on or before the fifth day of each month for the preceding calendar month, and must be placed to the credit of that Account. The county treasurer shall, on or before the 15th day of each month, remit those fees deposited by the county clerk to the State Controller for credit to that Account.

5. Any fee charged and collected pursuant to this section is separate and distinct from any administrative fee charged and collected by a county clerk's office, including, without limitation, a fee for certifying a copy of a marriage license.

Sec. 7. 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. 8. 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 is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 9. NRS 217.410 is hereby repealed.

Sec. 10. This act becomes effective on July 1, 2021.

TEXT OF REPEALED SECTION

217.410 Allocation of money to organizations specifically created to assist victims of sexual assault. In a county whose population is 700,000 or more, the Administrator of the Division shall allocate 15 percent of all money granted to organizations in the county from the Account for Aid for Victims of Domestic Violence to an organization in the county which has been specifically created to assist victims of sexual assault. The Administrator of the Division has the final authority in determining whether an organization may receive money pursuant to this section. Any organization which receives money pursuant to this section shall furnish reports to the Administrator of the Division as required by NRS 217.460. To be eligible for this money, the organization must receive at least 15 percent of its money from sources other than the Federal Government, the State, any local government or other public body or their instrumentalities. Any goods or services which are contributed to the organization may be assigned their reasonable monetary value for the purpose of complying with this requirement.

Senator Scheible moved that the Senate concur in Assembly Amendment No. 500 to Senate Bill No. 177.

Remarks by Senator Scheible.

Amendment No. 500 changes Senate Bill No. 177 to add additional sponsors to the bill.

Motion carried by a two-thirds majority.

Bill ordered enrolled.

Senate Bill No. 203.

The following Assembly amendments were read:

Amendment No. 602.

JOINT SPONSOR: ASSEMBLYWOMAN KRASNER

SUMMARY—Revises provisions relating to civil actions involving certain sexual offenses. (BDR 2-577)

AN ACT relating to civil actions; revising provisions relating to civil actions involving certain sexual offenses; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a civil action to recover damages for sexual abuse that occurred when the plaintiff was less than 18 years of age must be commenced within 20 years after either of the following occurs, whichever is later: (1) the plaintiff reaches 18 years of age; or (2) the plaintiff discovers or reasonably should have discovered that his or her injury was caused by the sexual abuse. Existing law also provides that a civil action to recover damages for injuries suffered by a victim of pornography involving minors must be commenced within 20 years after either of the following occurs, whichever is later: (1) the court enters a verdict in a related criminal case; or (2) the victim reaches the age of 18 years. (NRS 11.215) Section 1 of this bill eliminates the statute of limitations for a civil action to recover damages for: (1) sexual abuse or sexual exploitation if the sexual abuse or sexual exploitation occurred when the plaintiff was less than 18 years of age; and (2) injuries suffered by a victim of pornography involving minors.

Existing law provides that a criminal conviction of a defendant for the injury alleged in a civil action is conclusive evidence of all facts necessary to impose civil liability on the defendant. (NRS 41.133) Section 2 of this bill provides that if a plaintiff is the victim of sexual abuse or sexual exploitation, a person has been convicted of a crime arising out of such sexual abuse or sexual exploitation and the plaintiff commences a civil action against a person other than the person convicted of the crime, then the judgment of conviction of the person convicted of the crime is conclusive evidence in the civil action that the person sexually abused or sexually exploited the plaintiff. Section 2 also provides that a person is liable to a plaintiff for damages if the person knowingly benefits from a venture that the person knew or should have known has engaged in sexual abuse or sexual exploitation of another person. Finally, section 2 provides that if a person who is liable to a plaintiff knowingly participated in and gained a benefit from or covered up the sexual abuse or sexual exploitation of the plaintiff, the person is liable for treble damages. The statute of limitations for bringing a civil action pursuant to section 2 is set forth in section 1.

Section 3 of this bill makes conforming changes by removing references to the statutes of limitations that were eliminated by this bill.

Section 4 of this bill provides that the changes in this bill apply retroactively to any act constituting sexual abuse or sexual exploitation, any act relating to pornography and a minor and any act described in section 2 for which a person would be liable even if the statute of limitations that was in effect at the time

of the act has expired, which means that a civil action that would otherwise be time-barred by the former statute of limitations is revived by this bill.

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

Section 1. NRS 11.215 is hereby amended to read as follows:

11.215 1. ~~[Except as otherwise provided in subsection 2 and NRS 217.007, an]~~ *An* action to recover damages for an injury to a person arising from the sexual abuse *or* *sexual exploitation* of the plaintiff which occurred when the plaintiff was less than 18 years of age ~~[must]~~ *may* be commenced ~~[within 20 years after the plaintiff:~~

~~(a) Reaches 18 years of age; or~~

~~(b) Discovers or reasonably should have discovered that his or her injury was caused by the sexual abuse,~~

~~➥ whichever occurs later.]~~ *at any time after the sexual abuse or sexual exploitation occurred. In such an action, if the alleged injury to the plaintiff is the result of a series of two or more acts constituting sexual abuse or sexual exploitation, the plaintiff is not required to identify which specific act in the series of acts caused the alleged injury.*

2. An action to recover damages pursuant to NRS 41.1396 ~~[must]~~ *may* be commenced ~~[within 20 years after the occurrence of the following, whichever is later:~~

~~(a) The court enters a verdict in a related criminal case; or~~

~~(b) The]~~ *at any time . ~~[after the victim reaches the age of 18 years.]~~*

3. ~~*[Unless the provisions of subsection 1 apply, an]*~~ *An action to recover damages pursuant to section 2 of this act must be commenced within ~~[30]~~ 20 years after ~~[:~~*

~~*(a) The sexual abuse or exploitation occurred; or*~~

~~*(b) The plaintiff discovers or reasonably should have discovered that his or her injury was caused by sexual abuse or exploitation,*~~

~~*➥ whichever occurs later.]*~~ *the plaintiff reaches 18 years of age.*

4. As used in this section ~~[, "sexual]~~ *:*

(a) "Sexual abuse" has the meaning ascribed to it ~~*[abuse or exploitation" means unwanted sexual contact and includes, without limitation, sexual abuse as defined]*~~ in NRS 432B.100*.* ~~*[and sexual exploitation as defined]*~~

(b) "Sexual exploitation" has the meaning ascribed to it in NRS 432B.110.

Sec. 2. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a plaintiff is the victim of sexual abuse or sexual exploitation, a person has been convicted of a crime arising out of such sexual abuse or sexual exploitation of the plaintiff and the plaintiff commences a civil action against a person other than the person convicted of the crime, then the judgment of conviction of the person convicted of the crime is conclusive evidence in the civil action that the person convicted of the crime sexually abused or sexually exploited the plaintiff.

2. A person is liable to a plaintiff for damages if the person knowingly benefits, financially or by receiving anything of tangible value, from participation in a venture which that person knew or should have known has engaged in sexual abuse or sexual exploitation of another person.

3. A person who is liable to a plaintiff under subsection 2 and who knowingly participated in and gained a benefit from or covered up the sexual abuse or sexual exploitation of the plaintiff is liable to the plaintiff for treble damages.

4. For the purposes of this section, a hotel, motel or other establishment with more than ~~[200]~~ 175 rooms available for sleeping accommodations for the public shall be deemed not to benefit, or to have gained a benefit, from the rental of a room.

5. As used in this section:

(a) "Convicted" has the meaning ascribed to it in NRS 41B.070.

(b) "Cover up" means a concerted effort to hide evidence relating to sexual abuse or sexual exploitation.

(c) "Sexual ~~[abuse or exploitation"]~~ abuse" has the meaning ascribed to it in NRS ~~[11.215,]~~ 432B.100.

(d) "Sexual exploitation" has the meaning ascribed to it in NRS 432B.110.

Sec. 3. NRS 217.007 is hereby amended to read as follows:

217.007 1. A victim may commence any action specified in NRS 11.190 ~~[, 11.215]~~ or 207.470 which arises from the commission of a felony, against the person who committed the felony within 5 years after the time the person who committed the felony becomes legally entitled to receive proceeds for any contribution to any material that is based upon or substantially related to the felony which was perpetrated against the victim.

2. If the limitation period established in NRS 11.190 ~~[, 11.215]~~ or 207.520 has otherwise expired, the liability of the person committing the felony to a victim imposed under this section must be limited to the value of the proceeds received by the person who committed the felony for any contribution to material that is based upon or substantially related to the felony which was perpetrated against the victim.

3. For purposes of this section:

(a) "Material" means a book, magazine or newspaper article, movie, film, videotape, sound recording, interview or appearance on a television or radio station and live presentations of any kind.

(b) "Proceeds" includes money, royalties, real property and any other consideration.

(c) "Victim" means any person:

(1) Against whom a crime has been committed;

(2) Who has been injured or killed as a direct result of the commission of a crime; or

(3) Who is the surviving spouse, a parent or a child of such a person.

Sec. 4. 1. The amendatory provisions of this act apply retroactively to any act constituting sexual abuse or sexual exploitation and any act for which

a person is liable under NRS 41.1396 or section 2 of this act that occurred before the effective date of this act, regardless of any statute of limitations that was in effect at the time the act constituting sexual abuse or sexual exploitation or act for which a person is liable under NRS 41.1396 or section 2 of this act occurred, including, without limitation, any civil action that would have been barred by the statute of limitations that was in effect before the effective date of this act.

2. As used in this section [, "sexual] :

(a) "Sexual abuse" [or exploitation"] has the meaning ascribed to it in NRS [11.215, as amended by this act.] 432B.100.

(b) "Sexual exploitation" has the meaning ascribed to it in NRS 432B.110.

Sec. 5. This act becomes effective upon passage and approval.

Amendment No. 687.

SUMMARY—Revises provisions relating to civil actions involving certain sexual offenses. (BDR 2-577)

AN ACT relating to civil actions; revising provisions relating to civil actions involving certain sexual offenses; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a civil action to recover damages for sexual abuse that occurred when the plaintiff was less than 18 years of age must be commenced within 20 years after either of the following occurs, whichever is later: (1) the plaintiff reaches 18 years of age; or (2) the plaintiff discovers or reasonably should have discovered that his or her injury was caused by the sexual abuse. Existing law also provides that a civil action to recover damages for injuries suffered by a victim of pornography involving minors must be commenced within 20 years after either of the following occurs, whichever is later: (1) the court enters a verdict in a related criminal case; or (2) the victim reaches the age of 18 years. (NRS 11.215) Section 1 of this bill eliminates the statute of limitations for a civil action to recover damages for: (1) sexual abuse or sexual exploitation if the sexual abuse or sexual exploitation occurred when the plaintiff was less than 18 years of age; and (2) injuries suffered by a victim of pornography involving minors.

Existing law provides that a criminal conviction of a defendant for the injury alleged in a civil action is conclusive evidence of all facts necessary to impose civil liability on the defendant. (NRS 41.133) Section 2 of this bill provides that if a plaintiff is the victim of sexual abuse or sexual exploitation, a person has been convicted of a crime arising out of such sexual abuse or sexual exploitation and the plaintiff commences a civil action against a person other than the person convicted of the crime, then the judgment of conviction of the person convicted of the crime is conclusive evidence in the civil action that the person sexually abused or sexually exploited the plaintiff. Section 2 also provides that a person is liable to a plaintiff for damages if the person knowingly benefits from a venture that the person knew or should have known has engaged in sexual abuse or sexual exploitation of another person. Finally,

section 2 provides that if a person who is liable to a plaintiff knowingly participated in and gained a benefit from or covered up the sexual abuse or sexual exploitation of the plaintiff, the person is liable for treble damages. The statute of limitations for bringing a civil action pursuant to section 2 is set forth in section 1.

Section 3 of this bill makes conforming changes by removing references to the statutes of limitations that were eliminated by this bill.

Section 4 of this bill provides that the changes in this bill apply retroactively to any act constituting sexual abuse or sexual exploitation, any act relating to pornography and a minor and any act described in section 2 for which a person would be liable even if the statute of limitations that was in effect at the time of the act has expired, which means that a civil action that would otherwise be time-barred by the former statute of limitations is revived by this bill.

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

Section 1. NRS 11.215 is hereby amended to read as follows:

11.215 1. ~~[Except as otherwise provided in subsection 2 and NRS 217.007, an]~~ *An* action to recover damages for an injury to a person arising from the sexual abuse *or sexual exploitation* of the plaintiff which occurred when the plaintiff was less than 18 years of age ~~[must]~~ *may* be commenced ~~[within 20 years after the plaintiff:~~

~~(a) Reaches 18 years of age; or~~

~~(b) Discovers or reasonably should have discovered that his or her injury was caused by the sexual abuse,~~

~~➥ whichever occurs later.]~~ *against the alleged perpetrator or person convicted of the sexual abuse or sexual exploitation of the plaintiff at any time after the sexual abuse or sexual exploitation occurred. In such an action, if the alleged injury to the plaintiff is the result of a series of two or more acts constituting sexual abuse or sexual exploitation, the plaintiff is not required to identify which specific act in the series of acts caused the alleged injury.*

2. An action to recover damages pursuant to NRS 41.1396 ~~[must]~~ *may* be commenced ~~[within 20 years after the occurrence of the following, whichever is later:~~

~~(a) The court enters a verdict in a related criminal case; or~~

~~(b) The victim reaches the age of 18 years.]~~ *at any time.*

3. *An action to recover damages pursuant to section 2 of this act must be commenced within 20 years after the plaintiff reaches 18 years of age.*

4. As used in this section ~~[, "sexual]~~ *:*

(a) "Sexual abuse" has the meaning ascribed to it in NRS 432B.100.

(b) "Sexual exploitation" has the meaning ascribed to it in NRS 432B.110.

Sec. 2. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a plaintiff is the victim of sexual abuse or sexual exploitation, a person has been convicted of a crime arising out of such sexual abuse or sexual exploitation of the plaintiff and the plaintiff commences a civil action against

a person other than the person convicted of the crime, then the judgment of conviction of the person convicted of the crime is conclusive evidence in the civil action that the person convicted of the crime sexually abused or sexually exploited the plaintiff.

2. A person is liable to a plaintiff for damages if the person knowingly benefits, financially or by receiving anything of tangible value, from participation in a venture which that person knew or should have known has engaged in sexual abuse or sexual exploitation of another person.

3. A person who is liable to a plaintiff under subsection 2 and who knowingly participated in and gained a benefit from or covered up the sexual abuse or sexual exploitation of the plaintiff is liable to the plaintiff for treble damages.

4. For the purposes of this section, a hotel, motel or other establishment with more than 175 rooms available for sleeping accommodations for the public shall be deemed not to benefit, or to have gained a benefit, from the rental of a room.

5. As used in this section:

(a) "Convicted" has the meaning ascribed to it in NRS 41B.070.

(b) "Cover up" means a concerted effort to hide evidence relating to sexual abuse or sexual exploitation.

(c) "Sexual abuse" has the meaning ascribed to it in NRS 432B.100.

(d) "Sexual exploitation" has the meaning ascribed to it in NRS 432B.110.

Sec. 3. NRS 217.007 is hereby amended to read as follows:

217.007 1. A victim may commence any action specified in NRS 11.190 ~~[, 11.215]~~ or 207.470 which arises from the commission of a felony, against the person who committed the felony within 5 years after the time the person who committed the felony becomes legally entitled to receive proceeds for any contribution to any material that is based upon or substantially related to the felony which was perpetrated against the victim.

2. If the limitation period established in NRS 11.190 ~~[, 11.215]~~ or 207.520 has otherwise expired, the liability of the person committing the felony to a victim imposed under this section must be limited to the value of the proceeds received by the person who committed the felony for any contribution to material that is based upon or substantially related to the felony which was perpetrated against the victim.

3. For purposes of this section:

(a) "Material" means a book, magazine or newspaper article, movie, film, videotape, sound recording, interview or appearance on a television or radio station and live presentations of any kind.

(b) "Proceeds" includes money, royalties, real property and any other consideration.

(c) "Victim" means any person:

(1) Against whom a crime has been committed;

(2) Who has been injured or killed as a direct result of the commission of a crime; or

(3) Who is the surviving spouse, a parent or a child of such a person.

Sec. 4. 1. The amendatory provisions of this act apply retroactively to any act constituting sexual abuse or sexual exploitation and any act for which a person is liable under NRS 41.1396 or section 2 of this act that occurred before the effective date of this act, regardless of any statute of limitations that was in effect at the time the act constituting sexual abuse or sexual exploitation or act for which a person is liable under NRS 41.1396 or section 2 of this act occurred, including, without limitation, any civil action that would have been barred by the statute of limitations that was in effect before the effective date of this act.

2. As used in this section:

(a) "Sexual abuse" has the meaning ascribed to it in NRS 432B.100.

(b) "Sexual exploitation" has the meaning ascribed to it in NRS 432B.110.

Sec. 5. This act becomes effective upon passage and approval.

Senator Scheible moved that the Senate concur in Assembly Amendments Nos. 602 and 687 to Senate Bill No. 203.

Remarks by Senator Scheible.

Amendments Nos. 602 and 687 make minor changes at the request of the sponsor.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 237.

The following Assembly amendment was read:

Amendment No. 529.

SUMMARY—Revises provisions relating to businesses. (BDR 7-548)

AN ACT relating to businesses; revising provisions relating to policies, programs and procedures intended to encourage and promote certain business enterprises to require such programs to include LGBTQ-owned businesses; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a minority-owned business, woman-owned business or veteran-owned business is entitled, at the time of application for issuance or renewal of a state business license, to receive certain information through the state business portal regarding public and private programs to obtain financing for small businesses under state and federal laws and the process for obtaining certification as a disadvantaged business enterprise under federal law. (NRS 75A.350) Section 1 of this bill adds LGBTQ-owned businesses to the list of those entitled to receive such information.

Existing law requires the Office of Economic Development to develop and carry into effect a program under which a business certified as a small business enterprise, minority-owned business enterprise, woman-owned business enterprise or disadvantaged business enterprise may obtain a loan to finance the expansion of its business in this State. (NRS 231.1409) Section 2 of this bill requires the program to include businesses certified as LGBTQ-owned business enterprises.

Existing law sets forth certain legislative declarations concerning equal access to opportunities for business formation and business growth in this State in relation to the business of the Department of Transportation. (NRS 408.38722) Section 3 of this bill specifically declares that the elimination of discrimination against ~~[disadvantaged business enterprises that are]~~ LGBTQ-owned businesses is important to the future welfare of this State. Existing law also requires the Department of Transportation to establish goals for the participation of disadvantaged business enterprises and local emerging small businesses in certain contracts relating to transportation projects. (NRS 408.38724) Section 4 of this bill ~~[includes]~~ revises these requirements to require the Department to establish goals for the awarding of contracts to: (1) disadvantaged business enterprises for projects that receive federal funding in accordance with applicable federal regulations; and (2) small business enterprises, local emerging small businesses and LGBTQ-owned businesses ~~[in this requirement.]~~ for certain transportation projects that do not receive federal funding. Section 4 requires that the goals established for the awarding of contracts for projects that do not receive federal funding be: (1) consistent with the goals required for similar projects that receive federal funding; and (2) based upon certain information relating to the market for which the goals are set and the most recent disparity study conducted by the Department.

Existing law creates the Cannabis Advisory Commission for the purposes of studying issues and making recommendations related to the regulation of cannabis in this State. (NRS 678A.300, 678A.310) Section 5 of this bill requires any subcommittee on market participation appointed by the Chair of the Commission to review and make recommendations on matters relating to LGBTQ-owned businesses in the cannabis industry in this State.

Existing law creates the Regional Business Development Advisory Council for Clark County and requires the Council to propose and implement policies, programs and procedures to encourage and promote the use of local businesses owned and operated by disadvantaged persons. (Sections 15 and 20 of chapter 7, Statutes of Nevada 2003, 20th Special Session, at pages 268-69) Section 6 of this bill includes a person who identifies as lesbian, gay, bisexual, ~~[pansexual,]~~ transgender, ~~[transsexual,]~~ queer ~~[,]~~ or intersex ~~[, intergender or asexual]~~ or of any other nonheterosexual or noncisgender orientation or gender identity or expression in the definition of "disadvantaged person."

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

Section 1. NRS 75A.350 is hereby amended to read as follows:

75A.350 1. The Secretary of State shall ensure that the state business portal enables a person who applies through the state business portal for the issuance or renewal of a state business license pursuant to chapter 76 of NRS to indicate whether the applicant is a minority-owned business, a woman-owned business , ~~[or]~~ a veteran-owned business ~~[.]~~ *or an LGBTQ-owned business.*

2. If a person who applies through the state business portal for the issuance or renewal of a state business license pursuant to chapter 76 of NRS indicates

that the business is a minority-owned business, a woman-owned business , ~~[or]~~ a veteran-owned business ~~[,]~~ *or an LGBTQ-owned business,* the Secretary of State shall provide the following information to the person in electronic form through the state business portal:

(a) Information concerning programs to provide financing for small businesses. The information must include, without limitation, information concerning:

(1) Grants or loans of money from the Catalyst Account created by NRS 231.1573;

(2) The issuance of revenue bonds for industrial development pursuant to NRS 349.400 to 349.670, inclusive;

(3) The Nevada Collateral Support Program pursuant to 12 U.S.C. §§ 5701 et seq.;

(4) The Nevada Microenterprise Initiative Program pursuant to 12 U.S.C. §§ 5701 et seq.;

(5) The Nevada New Markets Jobs Act pursuant to chapter 231A of NRS;

(6) The Nevada Silver State Opportunities Fund pursuant to NRS 355.275;

(7) Loans from the Small Business Administration pursuant to 15 U.S.C. §§ 631 et seq.; and

(8) Any other program to provide financing for small businesses designated by the Secretary of State.

(b) Information concerning the process by which the business may become certified as a disadvantaged business enterprise for the purposes of 49 C.F.R. § 26.5 or a program to provide financing for disadvantaged business enterprises.

3. The Secretary of State may adopt regulations as he or she deems necessary to carry out the provisions of this section.

4. As used in this section:

(a) *"LGBTQ" means lesbian, gay, bisexual, ~~[pansexual,]~~ transgender, ~~[transsexual,]~~ queer ~~[,]~~ or intersex ~~[, intergender or asexual]~~ or of any other nonheterosexual or noncisgender orientation or gender identity or expression.*

(b) "LGBTQ-owned business" means a business that:

(1) Is owned by a natural person who identifies as LGBTQ; or

(2) Has at least 51 percent of its ownership interest held by one or more natural persons who identify as LGBTQ.

(c) "Veteran" has the meaning ascribed to it in NRS 417.005.

~~[(b)]~~ *(d)* "Veteran-owned business" means a business that:

(1) Is owned by a natural person who is a veteran; or

(2) Has at least 51 percent of its ownership interest held by one or more veterans.

Sec. 2. NRS 231.1409 is hereby amended to read as follows:

231.1409 1. The Office shall develop and carry into effect a program under which a business located in this State that is certified by an agency or entity approved by the Office as a small business enterprise, minority-owned

business enterprise, woman-owned business enterprise , *LGBTQ-owned business enterprise* or disadvantaged business enterprise may obtain a loan of money distributed from the Account to finance the expansion of its business.

2. In carrying out the program, the Office may:

(a) Enter into an agreement with a person who operates a program in this State to provide loans to small business enterprises, minority-owned business enterprises, women-owned business enterprises , *LGBTQ-owned business enterprises* and disadvantaged business enterprises.

(b) Make grants of money from the Account to that person, which must be used by that person to make loans or participate with private lending institutions in the making of loans to finance the expansion of a business located in this State that is certified by an agency or entity approved by the Office as a small business enterprise, minority-owned business enterprise, woman-owned business enterprise , *LGBTQ-owned business enterprise* or disadvantaged business enterprise.

3. The Office shall establish the criteria which must be used by the program to determine whether to make a loan to a business described in subsection 1 and the criteria which such a business must meet to qualify for a loan under the program. In establishing such criteria, the Office shall consider, without limitation, whether the making of the loan will assist this State to:

(a) Diversify and expand the number and types of businesses and industries in this State;

(b) Encourage economic growth and maintain a stable economy;

(c) Expand employment opportunities or relieve unemployment or underemployment in any segments of the population of this State that traditionally have experienced the highest rates of unemployment and underemployment; and

(d) Encourage the formation and expansion of businesses located in this State that are certified by an agency or entity approved by the Office as a small business enterprise, minority-owned business enterprise, woman-owned business enterprise , *LGBTQ-owned business enterprise* or disadvantaged business enterprise.

4. The Office shall establish procedures for applying for a loan from the program. The procedures must require an applicant to submit an application for a loan that includes, without limitation:

(a) A statement of the proposed use of the loan;

(b) A business plan; and

(c) Such other information as the Office deems necessary to determine whether the making of the loan to the applicant satisfies the criteria established by the Office pursuant to subsection 3 and whether the applicant is qualified for the loan.

5. A business located in this State that is certified by an agency or entity approved by the Office as a small business enterprise, minority-owned business enterprise, woman-owned business enterprise , *LGBTQ-owned business enterprise* or disadvantaged business enterprise may submit an

application for a loan to the Office or the person with whom the Office has entered into an agreement to carry out the program.

6. The Office, or the person with whom the Office has entered into an agreement to carry out the program, may approve an application for a loan submitted pursuant to subsection 5 if the Office, or the person carrying out the program, finds that:

(a) The applicant operates a for-profit business in this State and has the capability to continue in operation in this State for a period prescribed by the Office;

(b) The applicant maintains its principal place of business in this State;

(c) The applicant is certified by an agency or entity approved by the Office as a small business enterprise, minority-owned business enterprise, woman-owned business enterprise *, LGBTQ-owned business enterprise* or disadvantaged business enterprise and is in compliance with all applicable licensing and registration requirements in this State;

(d) The loan will enable the business to acquire the capital equipment necessary to expand in this State and hire additional employees in this State;

(e) There is adequate assurance that the loan will be repaid; and

(f) The making of the loan satisfies the criteria established by the Office pursuant to subsection 3.

7. If the Office, or a person with whom the Office has entered into an agreement to carry out the program, approves an application for a loan pursuant to this section:

(a) The Office, or the person carrying out the program, and the applicant must execute a loan agreement that contains such terms as the Office or person deems necessary; and

(b) The Office, or the person carrying out the program, must fund the loan from the money in the Account.

8. The rate of interest on loans made pursuant to the program must be as low as practicable, but sufficient to pay the cost of the program.

9. After deducting the costs directly related to administering the program, payments of principal and interest on loans made to a small business enterprise, minority-owned business enterprise, woman-owned business enterprise *, LGBTQ-owned business enterprise* or disadvantaged business enterprise from money distributed from the Account must be deposited in the State General Fund for credit to the Account.

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

(a) "Account" means the Small Business Enterprise Loan Account created by NRS 231.14095.

(b) "LGBTQ" means lesbian, gay, bisexual, ~~[pansexual,]~~ transgender, ~~[transsexual,]~~ queer ~~[,]~~ or intersex ~~[, intergender or asexual]~~ or of any other nonheterosexual or noncisgender orientation or gender identity or expression.

(c) "LGBTQ-owned business enterprise" means a business that:

(1) Is owned by a natural person who identifies as LGBTQ; or

(2) Has at least 51 percent of its ownership interest held by one or more natural persons who identify as LGBTQ.

Sec. 3. NRS 408.38722 is hereby amended to read as follows:

408.38722 The Legislature hereby finds and declares that:

1. The State wishes to provide all of its citizens with equal access to opportunities for business formation and business growth.

2. The elimination of discrimination against disadvantaged business enterprises ~~*[, including, without limitation,]*~~ *and LGBTQ-owned businesses* ~~*[that are disadvantaged business enterprises,]*~~ is of paramount importance to the future welfare of this State.

3. The Legislature has received and carefully reviewed the "Availability and Disparity Study" commissioned by the Department and published on June 15, 2007, that this study provides a strong basis of evidence demonstrating persistent discrimination against businesses owned by women and minorities and that this study demonstrates that:

(a) Disparities exist in the utilization of businesses owned by women and minorities in the same geographic markets and industry categories in which the Department does business;

(b) The State would become a passive participant in private-sector racial, ethnic and gender discrimination if it ceased or curtailed its remedial efforts against such discrimination;

(c) An overall pattern of disparities exists in the utilization of all racial and ethnic groups and both minority and nonminority women combined in all Department contracts;

(d) Evidence exists that discrimination in the private sector has depressed the formation and growth of firms among minority and nonminority women entrepreneurs; and

(e) Evidence exists of discrimination against minority and nonminority women business owners in the Nevada marketplace.

4. The Department should continue to use race-neutral and gender-neutral efforts to eliminate discrimination to the maximum extent feasible and should use only race-conscious and gender-conscious measures where necessary to eliminate discrimination that was not alleviated by race-neutral and gender-neutral efforts, and only as allowed under federal law.

5. NRS 408.3872 to 408.38728, inclusive, continues and enhances efforts to ensure that the Department limits the burden on businesses which are not disadvantaged business enterprises *or LGBTQ-owned businesses* by ensuring flexibility in the operations of the Department.

6. Efforts by this State to support the development of businesses owned by women , ~~[and]~~ minorities *and persons who identify as LGBTQ* that are competitively viable will assist in reducing discrimination and creating jobs for all citizens of this State.

7. As used in this section:

(a) "LGBTQ" means lesbian, gay, bisexual, ~~[pansexual,]~~ transgender, ~~[transsexual,]~~ queer ~~[,]~~ or intersex ~~[, intergender or asexual]~~ or of any other nonheterosexual or noncisgender orientation or gender identity or expression.

(b) "LGBTQ-owned business" means a business that:

(1) Is owned by a natural person who identifies as LGBTQ; or

(2) Has at least 51 percent of its ownership interest held by one or more natural persons who identify as LGBTQ.

Sec. 4. NRS 408.38724 is hereby amended to read as follows:

408.38724 1. The Department shall establish goals for the awarding of contracts to ~~[disadvantaged]~~ :

(a) Disadvantaged business enterprises ~~[, and]~~ *for projects that receive federal funding in accordance with 49 C.F.R. Part 26.*

(b) Small business enterprises, local emerging small businesses *and LGBTQ-owned businesses* for:

~~[(a)]~~ *(1)* Highway construction, reconstruction, improvements and maintenance on projects estimated to cost $250,000 or more that do not receive federal funding; and

~~[(b)]~~ *(2)* Architectural, engineering and planning services ~~[.]~~ *for projects that do not receive federal funding.*

2. The Department shall ensure that the goals established pursuant to *paragraph (b) of* subsection 1 are:

(a) Consistent with the goals required for similar projects that receive federal funding; and

(b) Based upon ~~[information]~~ :

(1) Information about the relevant market for which the goals are set ~~[.]~~ *; and*

(2) The most recent disparity study conducted by the Department.

3. *The Department shall include LGBTQ-owned businesses in each disparity study.*

4. The Department shall adopt regulations to define the term "local emerging small business" for the purposes of NRS 408.3872 to 408.38728, inclusive. When adopting regulations pursuant to this subsection, the Department shall determine whether other state agencies have adopted related definitions for similar projects and, if so, coordinate with those state agencies in defining the term.

~~[4.]~~ *5. As used in this section:*

(a) "Disparity study" means a study conducted by the Department to assist the Department with implementing the federal Disadvantaged Business Enterprise Program.

(b) "LGBTQ" means lesbian, gay, bisexual, ~~[pansexual,]~~ transgender, ~~[transsexual,]~~ queer ~~[,]~~ or intersex ~~[, intergender or asexual]~~ or of any other nonheterosexual or noncisgender orientation or gender identity or expression.

~~[(b)]~~ *(c) "LGBTQ-owned business" means a business that:*

(1) Is owned by a natural person who identifies as LGBTQ; or

(2) Has at least 51 percent of its ownership interest held by one or more natural persons who identify as LGBTQ.

(d) "Small business enterprise" means a business meeting the Small Business Administration size eligibility standards established in 13 C.F.R. §§ 121.101 to 121.201, inclusive.

Sec. 4.5. NRS 408.38726 is hereby amended to read as follows:

408.38726 1. The Department shall regularly review information about the goals established pursuant to NRS 408.38724 and the markets for which these goals are set.

2. The Department shall prepare a biennial report for the Governor and the Legislature and submit the report on or before December 31 of each even-numbered year. The biennial report must include, without limitation:

(a) All goals established by the Department pursuant to NRS 408.38724;

(b) Whether each goal established by the Department has been achieved; and

(c) For each goal established by the Department that has not been achieved, information on all efforts undertaken by the Department to achieve the goal.

3. If the Department determines that the information gathered pursuant to subsection 1 indicates that disparities no longer exist in the awarding of contracts to disadvantaged business enterprises *and LGBTQ-owned businesses* and a discontinuation of the goals required to be established by NRS 408.38724 would be in the best interest of this State, the Director shall transmit to the Governor and the Director of the Legislative Counsel Bureau for transmission to the Legislature a statement of that determination accompanied by a report detailing the findings of the Department which justify that determination.

4. As used in this section:

(a) "LGBTQ" means lesbian, gay, bisexual, transgender, queer or intersex or of any other nonheterosexual or noncisgender orientation or gender identity or expression.

(b) "LGBTQ-owned business" means a business that:

(1) Is owned by a natural person who identifies as LGBTQ; or

(2) Has at least 51 percent of its ownership interest held by one or more natural persons who identify as LGBTQ.

Sec. 5. NRS 678A.310 is hereby amended to read as follows:

678A.310 1. The Commission shall:

(a) Consider all matters submitted to it by the Board, the Governor or the Legislature;

(b) On its own initiative, recommend to the Board any guidelines, rules or regulations or any changes to existing guidelines, rules or regulations that the Commission considers important or necessary for the review and consideration of the Board;

(c) Advise the Board on the preparation of any regulations adopted pursuant to this title;

(d) Study the distribution of licenses, including, without limitation, the number of licenses authorized to be issued to cannabis establishments within the territory of each local government in this State, and recommend to the Board any statutory changes that the Commission determines to be appropriate; and

(e) Study the feasibility of the use of emerging technologies, including, without limitation, blockchain and systems that use a single source of truth, as a means of collecting data or efficiently and effectively handling transactions electronically to reduce or eliminate the handling of cash.

2. The Chair of the Commission may appoint:

(a) A subcommittee on public health to review and make recommendations on matters related to the labeling, packaging, marketing and advertising of cannabis and cannabis products, the potency of cannabis and cannabis products and any other issue related to the effect of cannabis and cannabis products on public health. Such recommendations may include, without limitation, maximum limits for individual servings of cannabis and cannabis products.

(b) A subcommittee on public safety and community mitigation to review and make recommendations on matters relating to the effects of cannabis on law enforcement, property, businesses and consumers.

(c) A subcommittee on the cannabis industry to review and make recommendations on matters relating to the stability of the market for and the cultivation, processing, manufacturing, transportation, distribution and seed-to-sale tracking of cannabis and cannabis products.

(d) A subcommittee on market participation to review and make recommendations on matters relating to the participation of women-owned businesses, minority-owned businesses, veteran-owned businesses , *LGBTQ-owned businesses* and local agriculture in the cannabis industry in this State.

(e) A subcommittee on the prevention of unlicensed cannabis sales in this State to:

(1) Review the legal authority of state agencies and local governments to curtail the unlicensed sale of cannabis and cannabis products, including, without limitation, by use of Internet websites, sales centers or other buildings to evade the laws of this State relating to the licensing of cannabis establishments;

(2) Review the resources available to state agencies and local governments to prevent the unlicensed sale of cannabis and cannabis products;

(3) Examine gaps in the enforcement of the laws of this State, including, without limitation, the importation of cannabis and cannabis products from other states;

(4) Identify the extent of the unlicensed sale of cannabis and cannabis products in this State, including, without limitation, the number of operations engaging in the unlicensed sale of cannabis and cannabis products and the most common methods used to engage in such sales;

(5) Examine any other issues relating to the unlicensed sale of cannabis or cannabis products that the Commission determines to be appropriate; and

(6) Make recommendations for efficiently and effectively closing any gaps in legal authority or enforcement identified by the subcommittee.

(f) A subcommittee on local governments to review and make recommendations on matters relating to the role of local governments in the regulation of the cannabis industry. In addition to any member of the Commission appointed to a subcommittee created pursuant to this paragraph, the Chair of the Commission shall appoint to the subcommittee:

(1) One member recommended by the governing body of the Nevada League of Cities; and

(2) One member recommended by the Nevada Association of Counties.

(g) A subcommittee on testing and laboratories to review and make recommendations on matters relating to the testing of cannabis and cannabis products and the efficient and effective operations of independent testing laboratories. In addition to any member of the Commission appointed to a subcommittee created pursuant to this paragraph, the Chair of the Commission shall appoint to the subcommittee one member who serves on an advisory committee for laboratories established by the Board to provide recommendations regarding the testing of cannabis.

(h) Any other subcommittee the Chair deems necessary to expedite the work of the Board.

3. If the Chair appoints a subcommittee pursuant to subsection 2, the subcommittee must:

(a) Contain not more than five members, who serve at the pleasure of the Chair; and

(b) Be chaired by the person selected as chair of the subcommittee by the Chair.

4. As used in this section:

(a) "LGBTQ" means lesbian, gay, bisexual, ~~[pansexual,]~~ transgender, ~~[transsexual,]~~ queer ~~[,]~~ or intersex ~~[, intergender or asexual]~~ or of any other nonheterosexual or noncisgender orientation or gender identity or expression.

(b) "LGBTQ-owned business" means a business that:

(1) Is owned by a natural person who identifies as LGBTQ; or

(2) Has at least 51 percent of its ownership interest held by one or more natural persons who identify as LGBTQ.

Sec. 6. Section 13 of the Regional Business Development Advisory Council for Clark County Act, being chapter 7, Statutes of Nevada 2003, 20th Special Session, at page 267, is hereby amended to read as follows:

Sec. 13. "Disadvantaged person" means a person who ~~[is]~~ *:*

1. Is a member of a racial or ethnic minority, female or physically disabled ~~[.]~~ *; or*

2. Identifies as lesbian, gay, bisexual, ~~[pansexual,]~~ transgender, ~~[transsexual,]~~ queer ~~[,]~~ or intersex ~~[, intergender or asexual]~~ or of any

other nonheterosexual or noncisgender orientation or gender identity or expression.

Sec. 6.5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 7. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~[6,]~~ 6.5, inclusive, of this act become effective on January 1, 2022.

3. Sections 3 ~~, [and]~~ 4 and 4.5 of this act expire by limitation on the earlier of:

(a) September 30, 2023; or

(b) The date that is 90 days after the date on which the Director of the Department of Transportation transmits to the Governor and the Director of the Legislative Counsel Bureau the statement and report required by subsection 3 of NRS 408.38726.

Senator Scheible moved that the Senate concur in Assembly Amendment No. 529 to Senate Bill No. 237.

Remarks by Senator Scheible.

Amendment No. 529 to Senate Bill No. 237 narrows and clarifies the definition of "LGBTQ-owned business" and makes changes requested by a State agency in order for them to be able to comply with the mandate of the bill.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 332.

The following Assembly amendment was read:

Amendment No. 510.

SUMMARY—Revises provisions relating to structured settlements. (BDR 3-960)

AN ACT relating to structured settlements; requiring structured settlement purchase companies to register with the Consumer Affairs Division of the Department of Business and Industry; prohibiting certain activities by structured settlement purchase companies and their employees and representatives; setting forth procedures and requirements concerning the transfer of structured settlement payment rights; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Structured settlements are arrangements in which periodic payments are made to a person who, because of a settlement or a judgment of a court, is entitled to receive payments for damages from a tort claim or workers' compensation claim. Such a person, known as a payee, may transfer the right to receive some or all of those periodic payments to another person, known as a structured settlement purchase company, in exchange for consideration such as a lump-sum payment. Existing law requires such transfers to be approved by a court and sets forth certain requirements relating to such transfers.

(NRS 42.030) This bill replaces the existing requirements concerning such transfers with new requirements.

Sections 4-28 of this bill define necessary terms for the regulation of structured settlement purchase companies and their activities, including, without limitation, "payee," "structured settlement purchase company" and "transfer."

Section 29 of this bill: (1) requires structured settlement purchase companies to register with the Consumer Affairs Division of the Department of Business and Industry; and (2) sets forth requirements concerning registration, such as obtaining a surety bond, letter of credit or cash bond in the amount of $50,000. Sections 30 and 31 of this bill set forth further requirements concerning registration, section 33 of this bill sets forth further requirements concerning surety bonds obtained for registration and section 34 of this bill provides that certain persons are not required to register.

Section 35 of this bill: (1) prohibits structured settlement purchase companies and their employees and representatives from engaging in various specified actions; and (2) provides a private right of action to payees and other structured settlement purchase companies to pursue and obtain damages and other remedies from a person who engages in prohibited activities. Section 32 of this bill requires a structured settlement purchase company to notify the Division and, if applicable, the surety which issued the applicable surety bond, if a judgment is obtained against the structured settlement purchase company.

Section 37 of this bill requires a structured settlement purchase company to provide to a payee an extensive disclosure statement before a transfer may occur.

Sections 36, 38 and 40 of this bill set forth requirements concerning: (1) the filings a structured settlement purchase company must make with a court before a transfer may occur; (2) the findings a court must make before a transfer may occur; and (3) procedures to be followed in obtaining court approval of a transfer, including, without limitation, notice requirements.

Section 39 of this bill describes the rights of various interested parties after the transfer of structured settlement payment rights, section 41 of this bill sets forth various protections for payees and sections 41 and 43 of this bill provide that the provisions of this bill apply only to transfer agreements entered into on or after October 1, 2021.

Section 44 of this bill repeals the existing statute which is being replaced by the provisions of this bill, and section 42 of this bill makes a conforming change to delete a reference to the repealed statute and add a new reference to the appropriate section in this bill.

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

Section 1. Chapter 42 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 41, inclusive, of this act.

Sec. 2. *Sections 2 to 41, inclusive, of this act, may be known and cited as the Structured Settlement Protection Act.*

Sec. 3. *As used in sections 2 to 41, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 28, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Annuity issuer" means an insurer that has issued a contract to fund periodic payments under a structured settlement.*

Sec. 5. *"Assignee" means a person acquiring or proposing to acquire structured settlement payments from a structured settlement purchase company or transferee after, or concurrently with, the transfer of the structured settlement payment rights by the payee to the structured settlement purchase company or transferee.*

Sec. 6. *"Dependents" include a payee's spouse and minor children and all other persons for whom the payee is legally obligated to provide support, including, without limitation, alimony.*

Sec. 7. *"Discounted present value" means the present value of future payments determined by discounting such payments to the present using the most recently published Applicable Federal Rate for determining the present value of an annuity, as issued by the Internal Revenue Service.*

Sec. 7.5. *"Division" means the Consumer Affairs Division of the Department of Business and Industry.*

Sec. 8. *"Gross advance amount" means the sum payable to the payee or for the payee's account as consideration for a transfer of structured settlement payment rights, before any reductions for transfer expenses or other deductions to be made from such consideration.*

Sec. 9. *"Independent professional advice" means advice of an attorney, certified public accountant, actuary or other licensed professional adviser.*

Sec. 10. *"Interested party" means, with respect to any structured settlement, the payee, any beneficiary irrevocably designated under the annuity contract to receive payments following the payee's death, the annuity issuer, the structured settlement obligor and any <u>other</u> party to the structured settlement that has continuing <u>rights or</u> obligations to <u>receive or</u> make payments under the structured settlement.*

Sec. 11. *"Net advance amount" means the gross advance amount, less the aggregate amount of the actual and estimated transfer expenses required to be disclosed under section 37 of this act.*

Sec. 12. *"Payee" means a natural person who:*

1. Is receiving tax-free payments under a structured settlement which resolved a settled claim; and

2. Proposes to make a transfer of the structured settlement payment rights.

Sec. 13. *"Periodic payments" includes both recurring payments and scheduled future lump-sum payments.*

Sec. 14. *"Qualified assignment agreement" means an agreement providing for a qualified assignment within the meaning of section 130 of the Internal Revenue Code, 26 U.S.C. § 130.*

Sec. 15. *"Renewal date" means the date on which a registered structured settlement purchase company is required to renew its registration pursuant to section 29 of this act, which date is 1 year after the initial registration or any subsequent renewal.*

Sec. 16. *"Settled claim" means the tort claim ~~[for workers' compensation claim]~~ resolved by a structured settlement.*

Sec. 17. *"Structured settlement" means an arrangement for periodic payment of damages for personal injuries or sickness established by settlement or judgment in resolution of a tort claim. ~~[for workers' compensation claim.]~~*

Sec. 18. *"Structured settlement agreement" means the agreement, judgment, stipulation or release embodying the terms of a structured settlement.*

Sec. 19. *"Structured settlement obligor" means, with respect to any structured settlement, the party that has the continuing obligation to make periodic payments to the payee under a structured settlement agreement or qualified assignment agreement.*

Sec. 20. *"Structured settlement payment rights" means rights to receive periodic payments under a structured settlement, whether from the structured settlement obligor or the annuity issuer, where the payee is domiciled in this State or the structured settlement agreement was approved by a court in this State.*

Sec. 21. *"Structured settlement purchase company" means a person that acts as a transferee in this State and who is registered with the Division pursuant to section 29 of this act.*

Sec. 22. *"Structured settlement transfer proceeding" means a court proceeding filed by a structured settlement purchase company seeking court approval of a transfer in accordance with section 38 of this act.*

Sec. 23. *"Terms of the structured settlement," with respect to any structured settlement, includes, without limitation, the terms of the structured settlement agreement, the annuity contract, any qualified assignment agreement and any order or other approval of any court.*

Sec. 24. *"Transfer" means any sale, assignment, pledge, hypothecation or other alienation or encumbrance of structured settlement payment rights made by a payee for consideration. The term does not include the creation or perfection of a security interest in structured settlement payment rights under a blanket security agreement entered into with an insured depository institution, in the absence of any action to redirect the structured settlement payments to the insured depository institution, or an agent or successor in interest thereof, or otherwise to enforce a blanket security interest against the structured settlement payment rights.*

Sec. 25. *"Transfer agreement" means the agreement providing for a transfer of structured settlement payment rights.*

Sec. 26. *"Transfer expense" means all expenses of a transfer that are required under the transfer agreement to be paid by the payee or deducted from the gross advance amount, including, without limitation, court filing fees,*

attorney's fees, escrow fees, lien recordation fees, judgment and lien search fees, finders' fees, commissions and other payments to a broker or other intermediary. The term does not include preexisting obligations of the payee payable for the payee's account from the proceeds of the transfer.

Sec. 27. *"Transfer order" means an order approving a transfer in accordance with section 38 of this act.*

Sec. 28. *"Transferee" means a party acquiring or proposing to acquire structured settlement payment rights through a transfer.*

Sec. 29. *1. A person shall not act as a transferee, attempt to acquire structured settlement payment rights through a transfer from a payee who resides in this State or file a structured settlement transfer proceeding in this State unless the person is registered with the Division to do business in this State as a structured settlement purchase company.*

2. A person may apply pursuant to this section with the Division for a registration to do business in this State as a structured settlement purchase company. An application for an initial or renewed registration must be submitted on a form prescribed by the Division. An initial or renewed registration expires 1 year after it is issued and may be renewed by the registrant on or before the renewal date for additional 1-year periods.

3. The application must contain a sworn certification by an owner, officer, director or manager of the applicant, if the applicant is not a natural person, or by the applicant if the applicant is a natural person, certifying that:

(a) The applicant has secured a surety bond, has been issued a letter of credit or has posted a cash bond in the amount of $50,000 which relates to its business as a structured settlement purchase company in this State;

(b) The surety bond, letter of credit or cash bond:

(1) Is intended to protect payees who do business with the applicant when the applicant is acting as a structured settlement purchase company; and

(2) Complies with all applicable provisions of sections 2 to 41, inclusive, of this act; and

(c) The applicant will comply with all of the provisions of sections 2 to 41, inclusive, of this act when acting as a structured settlement purchase company and filing structured settlement transfer proceedings in this State.

4. The applicant must submit to the Division with each initial and renewal application a copy of the surety bond, letter of credit or cash bond obtained by the applicant for the purposes of subsection 3.

5. A surety bond obtained for the purposes of subsection 3 must be payable to the State of Nevada.

6. A surety bond, letter of credit or cash bond obtained for the purposes of subsection 3 must be effective concurrently with the registration of the applicant and must remain in effect for not less than 3 years after the expiration or termination of the registration. The surety bond, letter of credit or cash bond must be renewed each year as needed to keep it continuously in effect when the registration of the applicant is renewed unless the applicant obtains alternative security described in paragraph (a) of subsection 3 which

complies with all applicable provisions of sections 2 to 41, inclusive, of this act.

7. A surety bond, letter of credit or cash bond obtained for the purposes of subsection 3 must:

(a) Ensure that the structured settlement purchase company:

(1) Complies with the provisions of sections 2 to 41, inclusive, of this act which relate to a payee; and

(2) Performs its obligations to a payee pursuant sections 2 to 41, inclusive, of this act; and

(b) Provide a source for recovery for a payee if the payee obtains a judgment against the structured settlement purchase company for a violation of sections 2 to 41, inclusive, of this act.

Sec. 30. *1. In addition to any other requirements set forth in sections 2 to 41, inclusive, of this act, a natural person who applies for the issuance or renewal of a registration as a structured settlement purchase company shall:*

(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 of Health and Human Services 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 registration; or

(b) A separate form prescribed by the Division.

3. A registration 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. 31. *1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is registered as a structured settlement purchase company, the*

Division shall deem the registration issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Division receives a letter issued to the holder of the registration by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the registration has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Division shall reinstate a registration that has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued to the holder of the registration by the district attorney or other public agency pursuant to NRS 425.550 stating that the person whose registration was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 32. *Not later than 10 days after a judgment is obtained against a structured settlement purchase company by a payee, the structured settlement purchase company shall file a notice with the Division and, if applicable, the surety which issued the surety bond used by the structured settlement purchase company to satisfy the requirements of section 29 of this act. The notice must contain:*

1. A copy of the judgment;

2. The name and address of the judgment creditor; and

3. The status of the matter, including, without limitation, whether the judgment will be appealed or has been paid or satisfied.

Sec. 33. *1. The liability of the surety which issued a surety bond used by a structured settlement purchase company to satisfy the requirements of section 29 of this act must not be affected by any:*

(a) Breach of contract, breach of warranty, failure to pay a premium or other act or omission of the structured settlement purchase company; or

(b) Insolvency or bankruptcy of the structured settlement purchase company.

2. A surety which issued a surety bond used by a structured settlement purchase company to satisfy the requirements of section 29 of this act and the structured settlement purchase company which obtained the surety bond shall not cancel or modify the surety bond during the term for which it is issued unless the surety or the structured settlement purchase company provides written notice to the Division at least 20 days before the effective date of the cancellation or modification.

3. If a surety bond used by a structured settlement purchase company to satisfy the requirements of section 29 of this act is modified so as to make the surety bond not comply with any provision of sections 2 to 41, inclusive, of this act, or the surety bond is cancelled, the registration of the structured settlement purchase company automatically expires on the effective date of the modification or cancellation unless a new surety bond, letter of credit or cash bond which complies with sections 2 to 41, inclusive, of this act is filed with the Division on or before the effective date of the modification or cancellation.

4. A modification or cancellation of a surety bond used by a structured settlement purchase company to satisfy the requirements of section 29 of this act does not affect any liability of the bonded surety company incurred before the modification or cancellation of the surety bond.

Sec. 34. *1. An assignee is not required to register as a structured settlement purchase company to acquire structured settlement payment rights or to take a security interest in structured settlement payment rights that were transferred by the payee to a structured settlement purchase company.*

2. An employee of a structured settlement purchase company, if acting on behalf of the structured settlement purchase company in connection with a transfer, is not required to be registered.

Sec. 35. *1. A transferee, a structured settlement purchase company and an employee or other representative of a transferee or structured settlement purchase company shall not engage in any of the following actions:*

(a) Pursue or complete a transfer with a payee without complying with all applicable provisions of sections 2 to 41, inclusive, of this act.

(b) Refuse or fail to fund a transfer after court approval of the transfer.

(c) Acquire structured settlement payment rights from a payee without complying with all applicable provisions of sections 2 to 41, inclusive, of this act, including, without limitation, obtaining court approval of the transfer in accordance with sections 2 to 41, inclusive, of this act.

(d) Intentionally file a structured settlement transfer proceeding in any court other than the court specified in section 40 of this act, unless the transferee is required to file in a different court by applicable law.

(e) Except as otherwise provided in this paragraph, pay a commission or finder's fee to any person for facilitating or arranging a structured settlement transfer with a payee. The provisions of this paragraph do not prevent a structured settlement purchase company from paying:

(1) A commission or finder's fee to a person who is a structured settlement purchase company or is an employee of a structured settlement purchase company;

(2) To third parties any routine transfer expenses, including, without limitation, court filing fees, escrow fees, lien recordation fees, judgment and lien search fees, attorney's fees and other similar types of fees relating to a transfer; and

(3) A reasonable referral fee to an attorney, certified public accountant, actuary, licensed insurance agent or other licensed professional adviser in connection with a transfer.

(f) Intentionally advertise materially false or misleading information regarding the products or services of the transferee or structured settlement purchase company.

(g) Attempt to coerce, bribe or intimidate a payee seeking to transfer structured settlement payment rights.

(h) Attempt to defraud a payee or any party to a structured settlement transfer or any interested party in a structured settlement transfer proceeding by means of forgery or false identification.

(i) Except as otherwise provided in this paragraph, intervene in a pending structured settlement transfer proceeding if the transferee or structured settlement purchase company is not a party to the proceeding or an interested party relative to the proposed transfer which is the subject of the pending structured settlement transfer proceeding. The provisions of this paragraph do not prevent a structured settlement purchase company from intervening in a pending structured settlement transfer proceeding if the payee has signed a transfer agreement with the structured settlement purchase company within 60 days before the filing of the pending structured settlement transfer proceeding and the structured settlement purchase company which filed the pending structured settlement transfer proceeding violated any provision of sections 2 to 41, inclusive, of this act in connection with the proposed transfer that is the subject of the pending structured settlement transfer proceeding.

(j) Except as otherwise provided in this paragraph, knowingly contact a payee who has signed a transfer agreement and is pursuing a proposed transfer with another structured settlement purchase company for the purpose of inducing the payee into cancelling the proposed transfer or transfer agreement with the other structured settlement purchase company if a structured settlement transfer proceeding has been filed by the other structured settlement purchase company and is pending. The provisions of this paragraph do not apply if no hearing has been held in the pending structured settlement transfer proceeding within 90 days after the filing of the pending structured settlement transfer proceeding.

(k) Fail to dismiss a pending structured settlement transfer proceeding at the request of the payee. A dismissal of a structured settlement proceeding after a structured settlement purchase company has violated the provisions of this paragraph does not exempt the structured settlement purchase company from any liability under this paragraph.

2. A payee may pursue a private action as a result of a violation of subsection 1 and may recover all damages and pursue all rights and remedies to which the payee may be entitled pursuant to sections 2 to 41, inclusive, of this act or any other applicable law.

3. A structured settlement purchase company may pursue a private action to enforce paragraphs (d), (g), (i), (j) and (k) of subsection 1 and may recover all damages and pursue all remedies to which the structured settlement purchase company may be entitled pursuant to sections 2 to 41, inclusive, of this act or any other applicable law.

4. If a court determines that a structured settlement purchase company or transferee is in violation of subsection 1, the court may:

(a) Revoke the registration of the structured settlement purchase company;

(b) Suspend the registration of the structured settlement purchase company for a period to be determined at the discretion of the court; and

(c) Enjoin the structured settlement purchase company or transferee from filing new structured settlement transfer proceedings in this State or otherwise pursuing transfers in this State.

Sec. 36. *1. At the time an application is made under sections 2 to 41, inclusive, of this act for the approval of a transfer of structured settlement payment rights, the application of the transferee must include evidence that the transferee is registered to do business in this State as a structured settlement purchase company.*

2. Except as otherwise provided in this subsection, a transfer order signed by a district court of competent jurisdiction pursuant to sections 2 to 41, inclusive, of this act constitutes a qualified order under 26 U.S.C. § 5891. If a transferee to which the transfer order applies is not registered as a structured settlement purchase company pursuant to sections 2 to 41, inclusive, of this act at the time the transfer order is signed, the transfer order does not constitute a qualified order under 26 U.S.C. § 5891.

Sec. 37. *Not less than 3 days before the date on which a payee signs a transfer agreement, the transferee shall provide to the payee a separate disclosure statement, in bold type no smaller than 14-point font, setting forth the following:*

1. The amounts and due dates of the structured settlement payments to be transferred.

2. The aggregate amount of such payments.

3. The discounted present value of the payments to be transferred, which must be identified as the "calculation of current value of the transferred structured settlement payments under federal standards for valuing annuities," and the amount of the Applicable Federal Rate used in calculating such discounted present value.

4. The gross advance amount.

5. An itemized listing of all applicable transfer expenses, other than attorney's fees and related disbursements, payable in connection with the transferee's application for approval of the transfer, and the transferee's best estimate of the amount of any such attorney's fees and related disbursements.

6. The effective annual interest rate, which must be disclosed in a statement in the following form:

> *On the basis of the net amount that you will receive from us and the amounts and timing of the structured settlement payments that you are transferring to us, you will, in effect be paying interest to us at a rate of ___ percent per year.*

7. The net advance amount.

8. The amount of any penalties or liquidated damages payable by the payee in the event of any breach of the transfer agreement by the payee.

9. That the payee has the right to cancel the transfer agreement, without penalty or further obligation, until the transfer is approved by the court.

10. That the payee has the right to seek and receive independent professional advice regarding the proposed transfer and should consider doing so before agreeing to transfer any structured settlement payment rights.

11. That the payee has the right to seek out and consider additional offers for transferring the structured settlement payment rights and should do so.

Sec. 38. *A direct or indirect transfer of structured settlement payment rights is not effective, and a structured settlement obligor or annuity issuer is not required to make any payment directly or indirectly to any transferee or assignee of structured settlement payment rights, unless the transfer has been approved in advance in a final court order based on express findings by the court that all of the following apply:*

1. The transfer is in the best interest of the payee, taking into account the welfare and support of the payee's dependents, if any;

2. The payee has been advised in writing by the transferee to seek independent professional advice regarding the transfer and has either received such advice or knowingly waived in writing the opportunity to seek and receive such advice; and

3. The transfer does not contravene any applicable statute or any applicable order of any court or other governmental authority.

Sec. 39. ~~*[1.]*~~ *Following a transfer of structured settlement payment rights* ~~*[, the]*~~ *:*

1. The structured settlement obligor and the annuity issuer may rely on the transfer order in redirecting periodic payments to an assignee or transferee in accordance with the transfer order and is, as to all parties except the transferee or an assignee designated by the transferee, discharged and released from any and all liability for the redirected payments. The discharge and release is not affected by the failure of any party to the transfer to comply with sections 2 to 41, inclusive, of this act or with the transfer order.

2. The transferee is liable to the structured settlement obligor and the annuity issuer:

(a) If the transfer contravenes the terms of the structured settlement, for any taxes incurred by the structured settlement obligor or annuity issuer as a consequence of the transfer; and

(b) For any other liabilities or costs, including reasonable costs and attorney's fees, arising from:

(1) Compliance by the structured settlement obligor or annuity issuer with the transfer order; ~~*[and]*~~ *or*

(2) The failure of any party to the transfer to comply with sections 2 to 41, inclusive, of this act.

3. The structured settlement obligor and the annuity issuer are not required to divide any periodic payment between the payee and any transferee or assignee or between two or more transferees or assignees.

4. Any further transfer of structured settlement payment rights by the payee may be made only after compliance with all of the requirements of sections 2 to 41, inclusive, of this act.

Sec. 40. *1. An application under sections 2 to 41, inclusive, of this act for approval of a transfer of structured settlement payment rights must be made by the transferee. The application must be brought in the district court of the county in which the payee is domiciled, except that if the payee is not domiciled in this State, the application must be brought in the court in this State that approved the structured settlement agreement.*

2. A timely hearing must be held on an application for approval of a transfer of structured settlement payment rights. The payee must appear in person at the hearing, unless the court determines that good cause exists to excuse the payee from appearing in person.

3. Not less than 20 days before the scheduled hearing on any application for approval of a transfer of structured settlement payment rights pursuant to sections 2 to 41, inclusive, of this act, the transferee shall file with the court and serve on all interested parties a notice of the proposed transfer and the application for authorization. The notice and application must include all of the following:

(a) A copy of the transferee's application.

(b) A copy of the transfer agreement.

(c) A copy of the disclosure statement required by section 37 of this act.

(d) The payee's name, age and county of domicile, and the age of each of the payee's dependents, if any.

(e) A summary of:

(1) All prior transfers by the payee to the transferee or an affiliate of the transferee, or through the transferee or an affiliate of the transferee to an assignee, within the 4 years immediately preceding the date of the transfer agreement;

(2) All proposed transfers by the payee to the transferee or an affiliate of the transferee, or through the transferee or an affiliate of the transferee, the applications for approval of which were denied within the 2 years immediately preceding the date of the transfer agreement;

(3) All prior transfers by the payee to any person or entity other than the transferee or an affiliate of the transferee or an assignee of the transferee or an affiliate of the transferee within the 3 years immediately preceding the date of the transfer agreement, to the extent that the transfers or proposed transfers have been disclosed to the transferee by the payee in writing or otherwise are actually known to the transferee; and

(4) All prior proposed transfers by the payee to any person or entity other than the transferee or an affiliate of the transferee or an assignee of a transferee or affiliate of the transferee, the applications for approval of which were denied within the 1 year immediately preceding the date of the current transfer agreement, to the extent that the transfers or proposed transfers have been disclosed to the transferee by the payee in writing or otherwise are actually known to the transferee.

(f) Notification that any interested party is entitled to support, oppose or otherwise respond to the transferee's application, either in person or by

counsel, by submitting written comments to the court or by participating in the hearing.

(g) Notification of the time and place of the hearing and notification of the manner in which and the date by which written responses to the application must be filed to be considered by the court, which date must not be less than 5 days before the hearing.

(h) Evidence of the transferee's registration to do business in this State as a structured settlement purchase company.

Sec. 41. *1. The provisions of sections 2 to 41, inclusive, of this act may not be waived by a payee.*

2. Any transfer agreement entered into by a payee who is domiciled in this State must provide that disputes under the transfer agreement, including, without limitation, any claims that the payee has breached the agreement, must be determined in and under the laws of this State. A transfer agreement must not authorize the transferee or any other party to confess judgment or consent to entry of judgment against the payee.

3. A transfer of structured settlement payment rights must not extend to any payments that are life-contingent unless, before the date on which the payee signs the transfer agreement, the transferee has established and has agreed to maintain procedures reasonably satisfactory to the structured settlement obligor and the annuity issuer for periodically confirming the payee's survival and giving the structured settlement obligor and the annuity issuer prompt written notice in the event of the payee's death.

4. If the payee cancels a transfer agreement, or if the transfer agreement otherwise terminates, after an application for approval of a transfer of structured settlement payment rights has been filed and before it has been granted or denied, the transferee must promptly request the dismissal of the application.

5. A payee who proposes to make a transfer of structured settlement payment rights does not incur any penalty, forfeit any application fee or other payment or otherwise incur any liability to the proposed transferee or any assignee based on any failure of the transfer to satisfy the conditions of sections 2 to 41, inclusive, of this act.

6. Nothing contained in sections 2 to 41, inclusive, of this act shall:

(a) Be construed to authorize any transfer of structured settlement payment rights in contravention of any applicable law or to imply that any transfer under a transfer agreement entered into before October 1, 2021, is valid or invalid.

(b) Affect the validity of any transfer of structured settlement payment rights, whether under a transfer agreement entered into before or after October 1, 2021, in which the structured settlement obligor and annuity issuer waived, or have not asserted their rights under, terms of the structured settlement prohibiting or restricting the sale, assignment or encumbrance of the structured settlement payment rights.

7. Compliance with the requirements set forth in sections 2 to 41, inclusive, of this act and fulfillment of the conditions set forth in sections 2 to 41, inclusive, of this act are solely the responsibility of the transferee in any transfer of structured settlement payment rights, and neither the structured settlement obligor nor the annuity issuer, if any, has any responsibility for, or any liability arising from, noncompliance with such requirements or failure to fulfill such conditions.

8. Sections 2 to 41, inclusive, of this act apply to any transfer of structured settlement payment rights under a transfer agreement entered into on or after October 1, 2021.

Sec. 42. NRS 104.9406 is hereby amended to read as follows:

104.9406 1. Subject to subsections 2 to 8, inclusive, an account debtor on an account, chattel paper or a payment intangible may discharge its obligation by paying the assignor until, but not after, the account debtor receives a notification, authenticated by the assignor or the assignee, that the amount due or to become due has been assigned and that payment is to be made to the assignee. After receipt of the notification, the account debtor may discharge its obligation by paying the assignee and may not discharge the obligation by paying the assignor.

2. Subject to subsection 8, notification is ineffective under subsection 1:

(a) If it does not reasonably identify the rights assigned;

(b) To the extent that an agreement between an account debtor and a seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this article; or

(c) At the option of an account debtor, if the notification notifies the account debtor to make less than the full amount of any installment or other periodic payment to the assignee, even if:

(1) Only a portion of the account, chattel paper or payment intangible has been assigned to that assignee;

(2) A portion has been assigned to another assignee; or

(3) The account debtor knows that the assignment to that assignee is limited.

3. Subject to subsection 8, if requested by the account debtor, an assignee shall seasonably furnish reasonable proof that the assignment has been made. Unless the assignee complies, the account debtor may discharge its obligation by paying the assignor, even if the account debtor has received a notification under subsection 1.

4. Except as otherwise provided in subsection 5 and NRS 104.9407 and 104A.2303, and subject to subsection 8, a term in an agreement between an account debtor and an assignor or in a promissory note is ineffective to the extent that it:

(a) Prohibits, restricts or requires the consent of the account debtor or person obligated on the promissory note to the assignment or transfer of, or the

creation, attachment, perfection or enforcement of a security interest in, the account, chattel paper, payment intangible or promissory note; or

(b) Provides that the assignment or transfer, or the creation, attachment, perfection or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account, chattel paper, payment intangible or promissory note.

5. Subsection 4 does not apply to the sale of a payment intangible or promissory note, other than a sale pursuant to a disposition under NRS 104.9610 or an acceptance of collateral under NRS 104.9620.

6. Subject to subsections 7 and 8, a rule of law, statute, or regulation, that prohibits, restricts, or requires the consent of a government, governmental body or official, or account debtor to the assignment or transfer of, or creation of a security interest in, an account or chattel paper is ineffective to the extent that the rule of law, statute or regulation:

(a) Prohibits, restricts, or requires the consent of the government, governmental body or official, or account debtor to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in, the account or chattel paper; or

(b) Provides that the assignment or transfer, or the creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account or chattel paper.

7. Subject to subsection 8, an account debtor may not waive or vary its option under paragraph (c) of subsection 2.

8. This section is subject to law other than this article which establishes a different rule for an account debtor who is a natural person and who incurred the obligation primarily for personal, family or household purposes.

9. This section does not apply to an assignment of a health-care-insurance receivable or to a transfer of a right to receive payments pursuant to ~~[~~NRS 42.030.~~*section 36]*~~ *sections 2 to 41, inclusive, of this act.*

Sec. 43. 1. The provisions of this act do not apply to a transfer agreement entered into before October 1, 2021.

2. As used in this section, "transfer agreement" has the meaning ascribed to it in section 25 of this act.

Sec. 44. NRS 42.030 is hereby repealed.

Sec. 45. 1. This act becomes effective on October 1, 2021.

2. Sections 30 and 31 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666, the federal law requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

TEXT OF REPEALED SECTION

42.030 Court approval of agreement to transfer structured settlement required.

1. An agreement to transfer the right to receive payments pursuant to a structured settlement to a transferee is valid and enforceable only if the transfer is approved by a district court. The transferee must petition the district court for such approval and the court shall approve the transfer if it determines that:

(a) The transfer is in the best interest of the payee, considering the totality of the circumstances, including, without limitation, the welfare and support of the dependents of the payee;

(b) The payee has been advised in writing by the transferee to seek independent professional advice regarding the transfer and has received such independent professional advice or has knowingly waived such advice in writing; and

(c) The transfer does not violate any applicable law or the order of any court.

2. An action pursuant to subsection 1 must be commenced in the district court:

(a) Located where the original claim which gave rise to the structured settlement was filed; or

(b) Within the county in which the payee resides.

3. Not later than 7 days before a hearing on a petition pursuant to subsection 1, the transferee must file with the district court and serve on all interested parties and any attorney who represented the payee in the action which resulted in the settled claim a notice of the proposed agreement and the petition for authorization of the proposed agreement. The notice must include, without limitation:

(a) A copy of the petition of the transferee;

(b) A copy of the proposed agreement;

(c) A copy of the disclosure required pursuant to subsection 4;

(d) A list which includes the name and age of each dependent of the payee;

(e) A statement that any interested party may support, oppose or otherwise respond to the petition of the transferee by appearing in person or by counsel during the hearing on the petition or by submitting written comments to the court; and

(f) Notice of the time and place of the hearing, the manner in which a written response to the application must be filed and the date by which a written response to the petition must be filed for consideration by the court.

4. A transferee who commences an action pursuant to subsection 1 must provide to the court with the proposed agreement a disclosure setting forth:

(a) The amounts and due dates of the payments under the structured settlement proposed to be transferred;

(b) The aggregate amount of the proposed payments to be transferred;

(c) The amount to be paid to the payee for the transfer before deducting any expenses;

(d) An itemized list of all expenses that the payee will be required to pay other than attorney's fees and which will be deducted from the amount paid to the payee for the transfer, including, without limitation, any commission owed to a broker, service charges, application or processing fees, costs of closing on the agreement, filing or administrative charges and fees paid to a notary public;

(e) The amount to be paid to the payee for the transfer after deducting the expenses;

(f) The amount of any liquidated damages which the payee is required to pay if the payee breaches the transfer agreement;

(g) The discounted present value of the payments under the structured settlement that are proposed to be transferred and the discount rate used to determine that value; and

(h) If adverse tax consequences exist, a statement which informs the payee that such a transfer may subject the payee to adverse tax consequences with regard to the payment of federal income tax.

5. Compliance with the requirements set forth in this section may not be waived.

6. As used in this section:

(a) "Annuity issuer" means an insurer who has issued a contract to fund periodic payments under a structured settlement;

(b) "Dependents" include, without limitation, the spouse of a payee, any minor child of a payee and any other person for whom the payee is legally obligated to provide support, including, without limitation, alimony;

(c) "Independent professional advice" means advice of an attorney, certified public accountant, actuary or other licensed professional adviser;

(d) "Interested parties" means the payee, any beneficiary irrevocably designated under the annuity contract to receive payments following the death of the payee, the annuity issuer, any person who is obligated to make payments pursuant to the structured settlement and any other party who has continuing rights or obligations under the structured settlement;

(e) "Payee" means a person who is receiving tax-free payments under a structured settlement and proposes to make a transfer of the right to receive payments under that structured settlement;

(f) "Periodic payments" includes, without limitation, both recurring payments and scheduled future lump-sum payments;

(g) "Settled claim" means the original tort claim or workers' compensation claim resolved by a structured settlement;

(h) "Structured settlement" means an arrangement for periodic payment of damages for personal injuries or sickness established by settlement or judgment in resolution of a tort claim or for periodic payments in settlement of a workers' compensation claim;

(i) "Transfer" means any sale, assignment, pledge, hypothecation or other alienation or encumbrance by a payee for consideration of the right to receive payments pursuant to a structured settlement; and

(j) "Transferee" means a party acquiring or proposing to acquire the right to payments pursuant to a structured settlement through a transfer.

Senator Scheible moved that the Senate concur in Assembly Amendment No. 510 to Senate Bill No. 332.

Remarks by Senator Scheible.

Amendment No. 510 to Senate Bill No. 332 makes minor changes at the request of the sponsor.

Motion carried by a constitutional majority.

Bill ordered enrolled.

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

Motion carried.

Senate in recess at 12:49 p.m.

SENATE IN SESSION

At 8:23 p.m.

President pro Tempore Denis presiding.

Quorum present.

REPORTS OF COMMITTEE

Mr. President pro Tempore:

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

PAT SPEARMAN, *Chair*

Mr. President pro Tempore:

Your Committee on Finance, to which were re-referred Senate Bills Nos. 353, 389, 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*

Mr. President pro Tempore:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 191, 192, 216, 256, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JULIA RATTI, *Chair*

Mr. President pro Tempore:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 37, 404, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 452, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELANIE SCHEIBLE, *Chair*

Mr. President pro Tempore:

Your Committee on Legislative Operations and Elections, to which was referred Senate Concurrent Resolution No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

JAMES OHRENSCHALL, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 10.

Resolution read.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 757.

JOINT SPONSOR: ASSEMBLYMAN C.H. MILLER

SUMMARY—Directs the Legislative Committee on Energy to conduct an interim study concerning the development of hydrogen , vanadium and lithium as energy resources in this State. (BDR R-523)

SENATE CONCURRENT RESOLUTION—Directing the Legislative Committee on Energy to conduct an interim study concerning the development of hydrogen , vanadium and lithium as energy resources in this State.

WHEREAS, It is the intent of this State to reduce the emissions of carbon dioxide in this State to levels commensurate with the levels established in the Paris Agreement; and

WHEREAS, The State Climate Strategy has identified that hydrogen technologies, including, without limitation, hydrogen fuel cell vehicles and hydrogen fueling stations, present opportunities to reduce carbon emissions in this State; and

WHEREAS, The hydrogen economy is predicted to rapidly expand across the globe and is currently valued at more than $100 billion annually; and

WHEREAS, Emerging hydrogen end-use applications, including, without limitation, in transportation, seasonal energy storage and the global energy trade, provide opportunities to enhance economic development in this State, which would provide such benefits as job creation and increased tax revenue; and

WHEREAS, There is a growing demand for lithium, including, without limitation, lithium batteries for use in electric and hybrid vehicles that present opportunities to reduce carbon emissions in this State; and

WHEREAS, The State Climate Strategy has identified that this State has the largest lithium prospects in the United States and the only active lithium mine in North America, and there is an opportunity to establish this State as an epicenter for, without limitation, lithium mining for batteries, advanced manufacturing of vehicles and battery recycling technology; and

WHEREAS, Emerging lithium end-use applications, including, without limitation, in batteries for vehicles, electronics, electric tools and grid storage applications, ceramics and glass, lubricating greases and polymer production, provide opportunities to enhance economic development in this State, which would provide such benefits as job creation and increased tax revenue; and

WHEREAS, The State Climate Strategy indicates that the increasing global demand for battery production prompted the mining industry to pursue new mineral extraction opportunities in this State, including, without limitation, the extraction of vanadium; and

WHEREAS, Vanadium has begun to play a pivotal role in the advancement of battery technology for electric and hybrid vehicles, which reduce carbon emissions in this State; and

WHEREAS, Vanadium is poised to play a pivotal role in the commercialization of renewable energy; and

WHEREAS, Federal land managers have launched an expedited permitting process for the first vanadium mine in the United States in this State; and

WHEREAS, According to the Washington Post, Nevada Vanadium plans to mine approximately 10 million pounds of vanadium per year, or about half of the overall vanadium in the United States, which could establish this State as the epicenter for vanadium-based technologies; and

WHEREAS, Emerging vanadium end-use applications, including, without limitation, in automotive applications for electric and hybrid vehicles, in energy storage applications for renewable and conventional energy applications and applications as an alloying element in various aspects of transportation, including automotive, aviation and aerospace, which provide opportunities to enhance economic development and diversification in this State, create jobs and increase tax revenue; and

WHEREAS, Encouraging the expansion of transportation powered by hydrogen fuel cells , vanadium flow batteries and lithium batteries may help decrease carbon emissions and improve air quality, which is associated with improved respiratory health for Nevadans, particularly economically disadvantaged Nevadans and communities of color; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Legislative Committee on Energy shall conduct an interim study concerning the development of hydrogen , vanadium and lithium as energy resources in this State, including, without limitation, the development of hydrogen , vanadium and lithium technologies, with the goal of achieving energy independence for the State and facilitating economic diversification in this State; and be it further

RESOLVED, That the study include a consideration of methods to increase opportunities for students in this State to study subjects related to hydrogen, vanadium and lithium and hydrogen , vanadium and lithium technologies at a community college, state college or university in this State; and be it further

RESOLVED, That, in conducting the study, the Legislative Committee on Energy shall partner or consult with representatives of the Nevada System of Higher Education, the elementary and secondary education system in this State, the National Renewable Energy Laboratory and the private sector, including, without limitation, the existing energy industries located in this State, and consider input provided by other stakeholders, including, without limitation, clean energy developers, nongovernmental organizations and

professionals with expertise in the use of hydrogen , vanadium and lithium as energy resources and hydrogen , vanadium and lithium technologies; and be it further

RESOLVED, That, in conducting the study, the Legislative Committee on Energy shall partner or consult with representatives of the Nevada System of Higher Education to examine ways to improve the training of workers in emerging hydrogen , vanadium and lithium technologies, including, without limitation, ways to prepare workers to develop, construct, improve, maintain and repair facilities used in the production and use of hydrogen , vanadium and lithium as energy resources; and be it further

RESOLVED, That, as part of the study, the Legislative Committee on Energy may, if feasible, enter into a contract or other agreement with the University of Nevada, Reno, the University of Nevada, Las Vegas, or the Desert Research Institute for gathering data concerning the assessment and development of hydrogen , vanadium and lithium as energy resources and producing a cost-benefit analysis of hydrogen , vanadium and lithium as energy resources; and be it further

RESOLVED, That the study assess the feasibility of using hydrogen , anadium and lithium as energy resources in this State for various applications including, without limitation, consideration of:

1. The potential for hydrogen , vanadium and lithium to enable the operation of zero-emission light-duty and medium-duty vehicles, trucks, buses, locomotives, off-road equipment, aviation, industrial equipment and harbor and watercraft;

2. The optimal deployment of infrastructure for hydrogen fueling and vanadium and lithium battery charging that would support the acceleration of zero-emission vehicle adoption;

3. Opportunities for economies of scale in hydrogen utilization in commercial or industrial hubs that deploy multiple types of hydrogen , vanadium or lithium equipment;

4. Novel processes for extracting vanadium and lithium from rock and brine and the practicability of the application of those processes in this State;

5. The potential for using wastewater and wastewater treatment facilities for the production of hydrogen;

6. The potential for converting existing mines into resources for hydrogen, including, without limitation, by producing green hydrogen from water associated with inactive or abandoned mines;

7. Methods for incentivizing the use of hydrogen , vanadium and lithium as energy resources in this State;

8. Economic and regulatory barriers hindering the implementation of hydrogen , vanadium and lithium as energy resources, including, without limitation, whether policies incentivizing the development of hydrogen , vanadium and lithium as energy resources and hydrogen , vanadium and lithium technologies are comparable to policies incentivizing the development of other energy resources and technologies in this State;

9. Federal and nongovernmental grant opportunities that may be available for the purposes of developing hydrogen , vanadium and lithium as energy resources in this State; ~~[and]~~

10. The potential for using hydrogen microgrids, using lithium and vanadium batteries as energy storage for microgrids and coupling hydrogen , vanadium and lithium with distributed energy resources to strengthen the resilience of the electric power grid; ~~[and be it further]~~

11. The environmental impacts of lithium production, including, without limitation, the extraction of lithium from brine and methods for avoiding or minimizing any such impacts including, without limitation, through siting, technological innovation 2nd large-scale spatial planning;

12. Challenges and opportunities relating to green hydrogen;

13. The reuse or recycling of lithium batteries; and

14. Implementation of methods to protect the rights of indigenous people in this State, including the concept of free, prior and informed consent; and be it further

RESOLVED, That any recommended legislation proposed by the Legislative Committee on Energy must be approved by a majority of the members of the Assembly and a majority of the members of the Senate appointed to the Committee; and be it further

RESOLVED, That the Legislative Committee on Energy shall submit a report of the results of the study 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; and be it further

RESOLVED, That this resolution becomes effective upon adoption.

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senator Ohrenschall.

Amendment No. 757 to Senate Concurrent Resolution No. 10 expands the scope of the proposed study to include vanadium as an energy resource in Nevada, a review of green hydrogen, the use and re-use of lithium batteries, the implementation of methods to protect the rights of indigenous people and the environmental impacts of lithium production, including lithium extraction from brine and methods for avoiding or minimizing such impacts. The amendment proposes to add Assemblyman C.H. Miller as a joint sponsor.

Amendment adopted.

Resolution read.

Senator Ohrenschall moved the adoption of the resolution.

Remarks by Senators Spearman and Kieckhefer.

SENATOR SPEARMAN:

Senate Concurrent Resolution No. 10 requires the Legislative Committee on Energy to conduct an interim study concerning the development of hydrogen, lithium and vanadium energy resources in Nevada. The study must include consideration for all of the methods to increase opportunities for Nevada students to study subjects related to hydrogen, lithium, vanadium and related technologies at community colleges, State college or universities. The study must assess the ability of using hydrogen, lithium and vanadium as energy resources. When conducting this study, the Legislative Committee on Energy must partner or consult with representatives of NSHE, the elementary and secondary education system, the private sector, the National Renewable Energy Laboratory and other in-State energy laboratories and consider input from stakeholders in both

government and the private sector. If feasible, the Committee shall enter into a contract with other agreements with UNR, UNLV or DRI for gathering data and producing a cost benefit analysis of hydrogen, lithium and vanadium energy resources.

SENATOR KIECKHEFER:

While I respect the intent of the sponsor of this resolution, the resolution itself represents another direction to a standing committee that does not have the resources to do the job it is asked to do. The chairs of these committees should determine what their mission is going to be during the interim. Despite the fact I am going to vote against this resolution, my vote is not based on the policy but rather on the process.

Resolution adopted, as amended.

Resolution ordered transmitted to the Assembly.

Senator Cannizzaro moved that Senate Bills Nos. 353, 389 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Senator Harris has approved the addition of Senator Spearman as a sponsor of Senate Bill No. 237.

SECOND READING AND AMENDMENT

Senate Bill No. 386.

Bill read second time and ordered to third reading.

Senate Bill No. 452.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 765.

SUMMARY—Prohibits the carrying or possession of a firearm on a covered premises in certain circumstances. (BDR 15-1154)

AN ACT relating to crimes; prohibiting a person from carrying or possessing a firearm on a covered premises under certain circumstances; ~~[revising provisions relating to the confiscation and disposal of dangerous weapons;]~~ providing a penalty; requiring the reporting of certain information relating to carrying or possessing a firearm on a covered premises; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[makes it a misdemeanor for a person to go upon the land or into any building of another person in certain circumstances, including willfully going or remaining on land or in a building after being warned by the owner or occupant not to trespass. (NRS 207.200)]~~ prohibits a person from carrying or possessing certain weapons while on the property of the Nevada System of Higher Education, a private or public school or a child care facility, or while in a vehicle of a private or public school or child care facility, unless the person: (1) is a peace officer; (2) is a school security guard; or (3) has written permission from the president of a branch or facility of the Nevada System of Higher Education, the principal of the school or a person designated by the child care facility to give permission to carry or possess the weapon.

(NRS 202.265) Section 1 of this bill establishes similar provisions which make it unlawful for a person to carry or possess a firearm on a covered premises if the owner ~~[,]~~ or operator or an agent thereof has ~~[chosen]~~ elected to prohibit the carrying or possession of a firearm on the covered premises. Section 1 defines "covered premises" as any real property containing a licensed gaming establishment which is owned or operated by a person who holds a nonrestricted gaming license or any affiliate thereof.

Section 1 requires the owner or operator of a covered premises or an agent thereof who ~~[chooses]~~ elects to prohibit the carrying or possession of a firearm on the covered premises to: (1) ~~[post a sign which provides notice of such a prohibition and meets certain specifications at each public entrance of the covered premises; and (2)]~~ notify the applicable law enforcement agency that the owner, operator or agent has ~~[chosen]~~ elected to prohibit the carrying or possession of a firearm on the covered premises ~~[. Section 1 provides that if the owner, operator or agent satisfies such requirements, the prohibition on the possession of a firearm on the covered premises becomes effective on the seventh calendar day after the owner, operator or agent provides such notification to a law enforcement agency.~~

~~Section 1 also requires that a person who is carrying a concealed firearm on a covered premises on which the possession of a firearm is prohibited be given a verbal warning before the assistance of a law enforcement agency, if necessary, is requested. If such a person does not voluntarily surrender the firearm or leave the premises or does not have a valid permit to carry a concealed firearm, the person is subject to criminal liability. Section 1 additionally provides that a person who is openly carrying a firearm on a covered premises on which the possession of a firearm is prohibited is not entitled to a verbal warning before the assistance of a law enforcement agency is requested.]~~ ; (2) adopt certain policies and procedures; (3) post any policy prohibiting the carrying or possession of a firearm on the Internet website of the covered premises; and (4) post certain signs in certain locations on the covered premises.

Section 1 provides that any person who carries or possesses a firearm on a covered premises in an unlawful manner: (1) ~~[for the first offense, is guilty of a misdemeanor; (2) for the second offense,]~~ is guilty of a gross misdemeanor; and ~~[(3) for the third or any subsequent offense, is guilty of a category E felony. Section 1 also provides that having the written consent of the owner or operator of the covered premises or an agent thereof to possess a firearm on the covered premises is a defense to violating the prohibition on possessing a firearm on the covered premises. Section 3 of this bill adds an exception to the crime of trespass for application of the greater penalties prescribed by section 1.~~

~~Existing law establishes procedures for the disposal of certain dangerous instruments and weapons taken from the possession of a person charged with the commission of a public offense or crime or a child charged with committing a delinquent act. (NRS 202.340) Section 2 of this bill requires any firearm taken from the possession of a person charged with a third or~~

~~subsequent violation of section 1 to be disposed of in the manner provided for dangerous instruments and weapons.]~~ (2) must be given an opportunity by a peace officer to comply with the policies and procedures before he or she is arrested. Finally, section 1 requires the owner or operator of a covered premises or an agent thereof to submit to the Nevada Gaming Control Board a report containing certain information relating to any incident wherein a law enforcement agency was called to respond. Section 3.3 of this bill then requires the Board to transmit annually such reports to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

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

Section 1. Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[An]~~ Except as otherwise provided in this section, a person shall not carry or possess a firearm on a covered premises if an owner or operator of a covered premises or an agent thereof ~~[may]~~ does all of the following:

(a) Elects to prohibit a person from carrying or possessing a firearm on the covered premises. ~~[If the owner or operator of the covered premises or an agent thereof chooses to prohibit the possession of a firearm on the covered premises, the owner or operator of the covered premises or an agent thereof shall post]~~

(b) Not later than 7 calendar days after making an election pursuant to paragraph (a), notifies a law enforcement agency with jurisdiction over a violation of this subsection of such an election.

(c) Adopts policies and procedures to carry out the provisions of this section. The policies and procedures must include training for any security guard employed by the owner or operator of the covered premises. Such training must include, without limitation:

(1) De-escalation techniques;

(2) Completion and certification from a course of training approved by the Private Investigator's Licensing Board in carrying, handling and using firearms safely;

(3) Competency in cultural diversity; and

(4) Implicit bias.

(d) Posts any policy that prohibits the carrying or possession of a firearm pursuant to this section on the Internet website of the covered premises.

(e) Posts at each public entrance , hotel check-in, if applicable, and cashier cage, if applicable, of the covered premises the following sign, which must be not less than 8 1/2 inches in width by 11 inches in height:

2. ~~[Upon the posting of the sign prescribed by subsection 1 at each public entrance of the covered premises, the owner or operator of the covered premises or an agent thereof shall notify a law enforcement agency with jurisdiction over a violation of subsection 3 that the owner or operator of the covered premises or an agent thereof has chosen to prohibit the possession of a firearm on the covered premises.~~

~~3. Except as otherwise provided in this section, if the owner or operator of a covered premises or an agent thereof has posted the sign prescribed by subsection 1 in accordance with this section and provided notification to a law enforcement agency pursuant to subsection 2, a person shall not possess a firearm on the covered premises beginning on the seventh calendar day after the owner, operator or agent provided such notification to a law enforcement agency.~~

~~4. Any person who engages in the open carry of a firearm in violation of subsection 3 is not entitled to be provided with a verbal warning by an authorized agent of the covered premises regarding the prohibition on the possession of a firearm on the covered premises before the owner or operator of the covered premises, an agent thereof or a security guard or other employee of the covered premises requests the assistance of a law enforcement agency with jurisdiction over a violation of subsection 3.~~

~~5. Any person who engages in the concealed carry of a firearm in violation of subsection 3 must be provided with a verbal warning by an authorized agent of the covered premises regarding the prohibition on the possession of a firearm on the covered premises before the owner or operator of the covered premises, an agent thereof or a security guard or other employee of the covered premises requests the assistance, if necessary, of a law enforcement agency with jurisdiction over a violation of subsection 3. If:~~

~~(a) Such a person refuses to voluntarily surrender the firearm or leave the premises, the person shall be punished as provided in subsection 6; or~~

~~(b) The assistance of a law enforcement agency with jurisdiction over a violation of subsection 3 is requested and one or more officers respond to the request and discover that the person who is engaging in the concealed carry of a firearm does not hold a valid permit to carry a concealed firearm issued pursuant to NRS 202.3653 to 202.369, inclusive, in addition to any punishment imposed for unlawfully carrying a concealed firearm in violation of NRS 202.350, the person shall be punished as provided in subsection 6.~~

~~6.~~ *Except as otherwise provided in this section, a person who violates subsection* ~~*3:*~~

~~(a) For the first offense, is guilty of a misdemeanor;~~

~~(b) For the second offense,~~ *1 is guilty of a gross misdemeanor* ~~. [; and~~

~~(c) For the third or any subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.~~

~~7. It is a defense to a violation of subsection 3 that the person had the written consent of the owner or operator of the covered premises or an agent thereof to possess a firearm on the covered premises.]~~

~~[8.]~~ *3. Before making an arrest pursuant to this section, a peace officer must provide the person an opportunity to comply with the policies and procedures of the covered premises.*

4. This section:

(a) Except as otherwise provided in paragraph (b), applies to any person entering a covered premises, including, without limitation, any person who is

the holder of a permit to carry a concealed firearm issued pursuant to NRS 202.3653 to 202.369, inclusive.

(b) Does not apply to:

(1) A ~~[security guard of a covered premises or an]~~ peace officer ~~:~~ ~~[of a law enforcement agency who is required to carry a firearm as part of his or her official duties and who is acting in his or her official capacity at the time of possessing the firearm on the covered premises;]~~

(2) A residential unit owner who:

(I) Carries or stores a firearm in his or her unit;

(II) Carries a firearm directly to his or her unit from a location where he or she is authorized to carry or store a firearm under this subparagraph or from his or her unit to a location where he or she is authorized to carry or store a firearm under this subparagraph;

(III) Carries or stores a firearm in his or her vehicle located in a parking area designated for the residential unit owner; or

(IV) Carries a firearm directly to his or her vehicle located in a parking area designated for the residential unit owner from a location where he or she is authorized to carry or store a firearm under this subparagraph or from such a vehicle to a location where he or she is authorized to carry or store a firearm under this subparagraph; ~~[or]~~

(3) A guest of a public accommodation facility who:

(I) Purchases a firearm at a trade show in this State;

(II) Transports the purchased firearm directly from the trade show to the public accommodation facility in accordance with all applicable laws;

(III) Enters the public accommodation facility with the firearm unloaded and contained within a bag; and

(IV) Notifies the public accommodation facility in writing that his or her bag contains an unloaded firearm ~~[~~.

~~9. Nothing in this section shall:~~

~~(a) Prohibit or restrict a rule, policy or practice of an owner or operator of a covered premises concerning or prohibiting the presence of firearms on the covered premises; or~~

~~(b) Require an owner or operator of a covered premises to adopt a rule, policy or practice concerning or prohibiting the presence of firearms on the covered premises.~~

~~10.]~~ ; or

(4) A person who has the written consent of the owner or operator of a covered premises or an agent thereof to carry or possess a firearm on the covered premises.

5. If the owner or operator of a covered premises or an agent thereof requests the assistance of a law enforcement agency to enforce the provisions of this section, the person making such a request must submit a report to the Nevada Gaming Control Board. The report must include, without limitation:

(a) The date, time and location of the incident giving rise to the request; and

(b) The demographic information of the person suspected of violating this section.

6. As used in this section:

(a) "Consent" does not include consent that is induced by force, threat or fraud.

(b) "Covered premises" means any real property containing a licensed gaming establishment which is owned or operated by a person who holds a nonrestricted license, as defined in NRS 463.0177, or any affiliate thereof. The term includes, without limitation, any tenant of the real property or establishment located within the bounds of the real property.

(c) "Law enforcement agency" has the meaning ascribed to it in NRS 289.010.

(d) ~~["Official capacity" includes, without limitation, the observance of a meal or other authorized break.~~

~~(e) "Open carry" means possessing a firearm in an open manner or unlawfully carrying a concealed firearm in violation of NRS 202.350.]~~ "Licensed gaming establishment" has the meaning ascribed to it in NRS 463.0169.

(e) "Peace officer" has the meaning ascribed to it in NRS 289.010.

(f) "Public entrance" includes, without limitation, a parking lot or parking structure.

(g) "Residential unit owner" has the meaning ascribed to it in NRS 116B.205.

(h) "Trade show" means an event of limited duration primarily attended by members of a particular trade or industry for the purpose of exhibiting their merchandise or services or discussing matters of interest to members of that trade or industry.

Sec. 2. ~~[NRS 202.340 is hereby amended to read as follows:~~

~~202.340 1. Except as otherwise provided for firearms forfeitable pursuant to NRS 453.301, when any instrument or weapon described in NRS 202.350 is taken from the possession of any person charged with the commission of any public offense or crime or any child charged with committing a delinquent act [,] *or when any firearm is taken from the possession of any person charged with a third or subsequent violation of section 1 of this act*, the instrument , [or] weapon *or firearm* must be surrendered to:~~

~~(a) The head of the police force or department of an incorporated city if the possession thereof was detected by any member of the police force of the city; or~~

~~(b) The chief administrator of a state law enforcement agency, for disposal pursuant to NRS 333.220, if the possession thereof was detected by any member of the agency.~~

~~2. In all other cases, the instrument , [or] weapon *or firearm* must be surrendered to the sheriff of the county or the sheriff of the metropolitan police~~

~~department for the county in which the instrument , [or] weapon *or firearm* was taken.~~

~~2. Except as otherwise provided in subsection 5, the governing body of the county or city or the metropolitan police committee on fiscal affairs shall at least once a year order the local law enforcement officer to whom any instrument , [or] weapon *or firearm* is surrendered pursuant to subsection 1 to:~~

~~(a) Retain the confiscated instrument , [or] weapon *or firearm* for use by the law enforcement agency headed by the officer;~~

~~(b) Sell the confiscated instrument , [or] weapon *or firearm* to another law enforcement agency;~~

~~(c) Destroy or direct the destruction of the confiscated instrument , [or] weapon *or firearm* if it is not otherwise required to be destroyed pursuant to subsection 5;~~

~~(d) Trade the confiscated instrument , [or] weapon *or firearm* to a properly licensed retailer or wholesaler in exchange for equipment necessary for the performance of the agency's duties; or~~

~~(e) Donate the confiscated instrument , [or] weapon *or firearm* to a museum, the Nevada National Guard or, if appropriate, to another person for use which furthers a charitable or public interest.~~

~~3. All proceeds of a sale ordered pursuant to subsection 2 by:~~

~~(a) The governing body of a county or city must be deposited with the county treasurer or the city treasurer and the county treasurer or the city treasurer shall credit the proceeds to the general fund of the county or city.~~

~~(b) A metropolitan police committee on fiscal affairs must be deposited in a fund which was created pursuant to NRS 280.220.~~

~~4. Any officer receiving an order pursuant to subsection 2 shall comply with the order as soon as practicable.~~

~~5. Except as otherwise provided in subsection 6, the officer to whom a confiscated instrument , [or] weapon *or firearm* is surrendered pursuant to subsection 1 shall:~~

~~(a) Except as otherwise provided in paragraph (c), destroy or direct to be destroyed any instrument , [or] weapon *or firearm* which is determined to be dangerous to the safety of the public.~~

~~(b) Except as otherwise provided in paragraph (c), return any instrument , [or] weapon [,] *or firearm* which has not been destroyed pursuant to paragraph (a):~~

~~(1) Upon demand, to the person from whom the instrument , [or] weapon *or firearm* was confiscated if the person is acquitted of the public offense or crime of which the person was charged; or~~

~~(2) To the legal owner of the instrument , [or] weapon *or firearm* if the Attorney General or the district attorney determines that the instrument , [or] weapon *or firearm* was unlawfully acquired from the legal owner. If retention of the instrument , [or] weapon *or firearm* is ordered or directed pursuant to paragraph (c), except as otherwise provided in paragraph (a), the instrument ,~~

~~[or] weapon *or firearm* must be returned to the legal owner as soon as practicable after the order or direction is rescinded.~~

~~(c) Retain the confiscated instrument, [or] weapon *or firearm* held by the officer pursuant to an order of a judge of a court of record or by direction of the Attorney General or district attorney that the retention is necessary for purposes of evidence, until the order or direction is rescinded.~~

~~(d) Return any instrument, [or] weapon *or firearm* which was stolen to its rightful owner, unless the return is otherwise prohibited by law.~~

~~6. Before any disposition pursuant to subsection 5, the officer who is in possession of the confiscated instrument, [or] weapon *or firearm* shall submit a full description of the instrument, [or] weapon *or firearm* to a laboratory which provides forensic services in this State. The director of the laboratory shall determine whether the instrument, [or] weapon [:] *or firearm:*~~

~~(a) Must be sent to the laboratory for examination as part of a criminal investigation; or~~

~~(b) Is a necessary addition to a referential collection maintained by the laboratory for purposes relating to law enforcement.]~~ (Deleted by amendment.)

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 [,] *or section 1 of this act*, 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,~~

~~➥ 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.]~~ (Deleted by amendment.)

Sec. 3.3. Chapter 463 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board shall transmit the reports submitted pursuant to section 1 of this act to the Director of the Legislative Counsel Bureau for transmission to the Legislature on or before January 1 of each calendar year.

Sec. 3.7. The provisions of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 4. 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. 5. This act becomes effective upon passage and approval.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 765 to Senate Bill No. 452 revises the bill to prohibit a person from carrying or possessing a firearm on a covered premises if the owner, operator or an agent thereof has elected to prohibit such. It revises the definition of "covered premises" to mean any real property that contains a licensed gaming establishment that is owned or operated by a person who holds a nonrestricted gaming license or any affiliate of the person. It requires that informational signs regarding firearm policy be posted at every casino entrance, front desk and cashier's cage. These signs must contain a reference to the controlling statute. It requires that any policy prohibiting the carrying or possession of firearms on a covered premises must be posted on the establishment's website. It revises the penalty for a violation of the provisions of the bill to a gross misdemeanor. It requires that any covered premises as defined in the bill must set policies and procedures requiring that security guards receive training on de-escalation, cultural diversity competency and implicit bias. It requires that a peace officer must identify himself or herself and provide a person

who is alleged to have violated the policies and procedures of a covered premises an opportunity to comply before being arrested. It exempts from the prohibitions in the bill any person who has written consent from the owner, operator or agent of a covered premises to carry or possess a firearm on the premises. It requires the owner, operator or agent to report to the Gaming Control Board information concerning any incident wherein law enforcement was called to respond and, in turn, requires the Board to transmit such reports annually to the Legislature.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 37.

Bill read second time and ordered to third reading.

Assembly Bill No. 191.

Bill read second time and ordered to third reading.

Assembly Bill No. 192.

Bill read second time and ordered to third reading.

Assembly Bill No. 216.

Bill read second time and ordered to third reading.

Assembly Bill No. 256.

Bill read second time and ordered to third reading.

Assembly Bill No. 404.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 358.

The following Assembly amendment was read:

Amendment No. 604.

SUMMARY—Revises provisions relating to wire communications. (BDR 15-1008)

AN ACT relating to crimes; revising provisions relating to the interception of certain wire communications; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it unlawful, with certain exceptions, to intercept or attempt to intercept any wire communication unless: (1) the interception or attempted interception is made with the prior consent of one of the parties to the communication; and (2) an emergency situation exists and it is impractical to obtain a court order. Existing law requires any person who has made an interception in an emergency situation to make a written application to a justice of the Supreme Court or district judge for ratification of the interception within 72 hours of the interception. (NRS 200.620) ~~[This bill]~~ Existing law additionally provides that it is not unlawful for ~~[any person]~~ a peace officer specifically designated by the Attorney General or the district attorney of any county, or a person acting under the direction or request of a peace officer, to

intercept ~~[or attempt to intercept]~~ the wire , electronic or oral communication of a person who has: (1) barricaded himself or herself and is not exiting or surrendering at the lawful request of a peace officer, in circumstances in which there is imminent risk of harm to the life of another person as a result of the actions of the person who is barricaded or the actions of law enforcement in resolving the barricade situation; ~~[or]~~ (2) created a hostage situation ~~[.]~~ ; or (3) threatened the imminent illegal use of an explosive. (NRS 179.463) This bill clarifies that under such circumstances, the interception or attempted interception of a wire communication: (1) is not unlawful; and (2) does not require the consent of the person whose wire communication is intercepted or attempted to be intercepted or the filing of an application for ratification by the court of the interception or attempted interception.

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

Section 1. NRS 200.620 is hereby amended to read as follows:

200.620 1. Except as otherwise provided in *subsection 5 and* NRS 179.410 to 179.515, inclusive, 209.419 and 704.195, it is unlawful for any person to intercept or attempt to intercept any wire communication unless:

(a) The interception or attempted interception is made with the prior consent of one of the parties to the communication; and

(b) An emergency situation exists and it is impractical to obtain a court order as required by NRS 179.410 to 179.515, inclusive, before the interception, in which event the interception is subject to the requirements of subsection 3. If the application for ratification is denied, any use or disclosure of the information so intercepted is unlawful, and the person who made the interception shall notify the sender and the receiver of the communication that:

(1) The communication was intercepted; and

(2) Upon application to the court, ratification of the interception was denied.

2. This section does not apply to any person, or to the officers, employees or agents of any person, engaged in the business of providing service and facilities for wire communication where the interception or attempted interception is to construct, maintain, conduct or operate the service or facilities of that person.

3. Any person who has made an interception in an emergency situation as provided in paragraph (b) of subsection 1 shall, within 72 hours of the interception, make a written application to a justice of the Supreme Court or district judge for ratification of the interception. The interception must not be ratified unless the applicant shows that:

(a) An emergency situation existed and it was impractical to obtain a court order before the interception; and

(b) Except for the absence of a court order, the interception met the requirements of NRS 179.410 to 179.515, inclusive.

4. NRS 200.610 to 200.690, inclusive, do not prohibit the recording, and NRS 179.410 to 179.515, inclusive, do not prohibit the reception in evidence,

of conversations on wire communications installed in the office of an official law enforcement or fire-fighting agency, or a public utility, if the equipment used for the recording is installed in a facility for wire communications or on a telephone with a number listed in a directory, on which emergency calls or requests by a person for response by the law enforcement or fire-fighting agency or public utility are likely to be received. In addition, those sections do not prohibit the recording or reception in evidence of conversations initiated by the law enforcement or fire-fighting agency or public utility from such a facility or telephone in connection with responding to the original call or request, if the agency or public utility informs the other party that the conversation is being recorded.

5. The interception or attempted interception of a wire communication is not unlawful ~~[if the person is intercepting the communication of a person who has:~~

~~*(a) Barricaded himself or herself and is not exiting or surrendering at the lawful request of a peace officer, in circumstances in which there is an imminent risk of harm to the life of another person as a result of the actions of the person who is barricaded or the actions of law enforcement in resolving the barricade situation; or*~~

~~*(b) Created a hostage situation.*~~

~~*6. For the purposes of subsection 5:*~~

~~*(a) A barricade occurs when a person:*~~

~~*(1) Refuses to come out from a covered or enclosed position after being provided an order to exit by a peace officer; or*~~

~~*(2) Is contained in an open area and the presence or approach of a peace officer precipitates an imminent risk of harm to the life of another person.*~~

~~*(b) A hostage situation occurs when a person holds another person against his or her will, regardless of whether the person holding the other person has made a demand.*~~

~~*7. As used in this section, "peace officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.]*~~ *under the circumstances set forth in subsection 1 of NRS 179.463.*

Senator Scheible moved that the Senate concur in Assembly Amendment No. 604 to Senate Bill No. 358.

Remarks by Senator Scheible.

Amendment No. 604 to Senate Bill No. 358 makes technical changes to the bill in order to reflect the intent of the sponsor and the committees to ensure that law enforcement officers are able to record conversations in hostage situations.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 359.

The following Assembly amendment was read:

Amendment No. 605.

SUMMARY— ~~[Provides additional]~~ Revises the penalties ~~[if a fire or explosion results from]~~ for the commission of certain prohibited acts ~~[.]~~ relating to controlled substances. (BDR 40-1006)

AN ACT relating to crimes; ~~[providing additional]~~ revising the penalties ~~[if a fire or explosion results from]~~ for the commission of certain prohibited acts ~~[;]~~ relating to controlled substances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) prohibits the unauthorized manufacturing or compounding of a controlled substance other than marijuana; and (2) provides that a person who engages in such unauthorized manufacturing or compounding of a controlled substance other than marijuana is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $100,000. (NRS 453.322) Section 1 of this bill provides that ~~[in addition to any punishment that may be imposed for]~~ if such unauthorized manufacturing or compounding of a controlled substance other than marijuana ~~[, if]~~ causes a fire or explosion , ~~[occurs as the result of such manufacturing or compounding of a controlled substance other than marijuana,]~~ the person is ~~[also]~~ guilty of a category ~~[C]~~ B felony ~~[.]~~ and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $100,000.

Existing law prohibits: (1) the unauthorized manufacturing, growing, planting, cultivating, harvesting, drying, propagating or processing of marijuana, which is punishable as a category E felony; and (2) the unauthorized extraction of concentrated cannabis, which is punishable as a category C felony. (NRS 453.3393) Section 2 of this bill ~~[provides that in addition to any other punishment that may be imposed for violating such prohibitions, if a fire or explosion occurs as the result of the violation, the person is also guilty of a category C felony.]~~ : (1) reduces the penalty for the unauthorized extraction of concentrated cannabis from a category C felony to a category D felony; and (2) provides for the imposition of an additional penalty if the unauthorized manufacturing, growing, planting, cultivating, harvesting, drying, propagating or processing of marijuana or the unauthorized extraction of concentrated cannabis causes a fire or explosion.

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

Section 1. NRS 453.322 is hereby amended to read as follows:

453.322 1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to knowingly or intentionally:

(a) Manufacture or compound a controlled substance other than marijuana.

(b) Possess, with the intent to manufacture or compound a controlled substance other than marijuana, or sell, exchange, barter, supply, prescribe,

dispense or give away, with the intent that the chemical be used to manufacture or compound a controlled substance other than marijuana:

(1) Any chemical identified in subsection ~~[4;]~~ *5;* or

(2) Any other chemical which is proven by expert testimony to be commonly used in manufacturing or compounding a controlled substance other than marijuana. The district attorney may present expert testimony to provide a prima facie case that any chemical, whether or not it is a chemical identified in subsection ~~[4,]~~ *5,* is commonly used in manufacturing or compounding such a controlled substance.

➥ The provisions of this paragraph do not apply to a person who, without the intent to commit an unlawful act, possesses any chemical at a laboratory that is licensed to store the chemical.

(c) Offer or attempt to do any act set forth in paragraph (a) or (b).

2. Unless a greater penalty is provided in *subsection 3 or* NRS 453.3385, a person who violates any provision of subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $100,000.

3. ~~*[In addition to any other punishment that may be imposed pursuant to this section, if]*~~ *If a person violates any provision of subsection 1 by engaging in the manufacturing or compounding of a controlled substance other than marijuana, or by attempting to do so, and the violation causes a fire or explosion* ~~*[occurs as the result of such manufacturing or compounding of a controlled substance other than marijuana, or an attempt to do so,]*~~ *the person is guilty of a category* ~~*[C]*~~ *B felony and shall be punished* ~~*[as provided in NRS 193.130.]*~~ *by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $100,000.*

4. The court shall not grant probation to a person convicted pursuant to this section.

~~[4.]~~ *5.* The following chemicals are identified for the purposes of subsection 1:

(a) Acetic anhydride.
(b) Acetone.
(c) N-Acetylanthranilic acid, its esters and its salts.
(d) Anthranilic acid, its esters and its salts.
(e) Benzaldehyde, its salts, isomers and salts of isomers.
(f) Benzyl chloride.
(g) Benzyl cyanide.
(h) 1,4-Butanediol.
(i) 2-Butanone (or methyl ethyl ketone or MEK).
(j) Ephedrine, its salts, isomers and salts of isomers.
(k) Ergonovine and its salts.
(l) Ergotamine and its salts.
(m) Ethylamine, its salts, isomers and salts of isomers.

(n) Ethyl ether.
(o) Gamma butyrolactone.
(p) Hydriodic acid, its salts, isomers and salts of isomers.
(q) Hydrochloric gas.
(r) Iodine.
(s) Isosafrole, its salts, isomers and salts of isomers.
(t) Lithium metal.
(u) Methylamine, its salts, isomers and salts of isomers.
(v) 3,4-Methylenedioxy-phenyl-2-propanone.
(w) N-Methylephedrine, its salts, isomers and salts of isomers.
(x) Methyl isobutyl ketone (MIBK).
(y) N-Methylpseudoephedrine, its salts, isomers and salts of isomers.
(z) Nitroethane, its salts, isomers and salts of isomers.
(aa) Norpseudoephedrine, its salts, isomers and salts of isomers.
(bb) Phenylacetic acid, its esters and its salts.
(cc) Phenylpropanolamine, its salts, isomers and salts of isomers.
(dd) Piperidine and its salts.
(ee) Piperonal, its salts, isomers and salts of isomers.
(ff) Potassium permanganate.
(gg) Propionic anhydride, its salts, isomers and salts of isomers.
(hh) Pseudoephedrine, its salts, isomers and salts of isomers.
(ii) Red phosphorous.
(jj) Safrole, its salts, isomers and salts of isomers.
(kk) Sodium metal.
(ll) Sulfuric acid.
(mm) Toluene.

Sec. 2. NRS 453.3393 is hereby amended to read as follows:

453.3393 1. A person shall not knowingly or intentionally manufacture, grow, plant, cultivate, harvest, dry, propagate or process marijuana, except as specifically authorized by the provisions of this chapter or title 56 of NRS.

2. Unless a greater penalty is provided in subsection 3 or NRS 453.339, a person who violates subsection 1, if the quantity involved is more than 12 marijuana plants, irrespective of whether the marijuana plants are mature or immature, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. A person shall not knowingly or intentionally extract concentrated cannabis, except as specifically authorized by the provisions of title 56 of NRS. Unless a greater penalty is provided in NRS 453.339, a person who violates this subsection is guilty of a category ~~[C]~~ *D* felony and shall be punished as provided in NRS 193.130.

4. ~~*[In addition to any other punishment that may be imposed pursuant to this section, if a person:*~~

~~*(a) Manufactures, grows, plants, cultivates, harvests, dries, propagates or processes marijuana in violation of subsection 1; or*~~

~~*(b) Extracts concentrated cannabis in violation of subsection 3,*~~

~~➥ and a fire or explosion occurs as the result of the violation, the person is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~5.~~ *If a person violates:*

(a) Subsection 1 by manufacturing, growing, planting, cultivating, harvesting, drying, propagating or processing marijuana; or

(b) Subsection 3 by extracting concentrated cannabis,

➥ and the violation causes a fire or explosion, the person shall, in addition to the term of imprisonment prescribed in this section for the underlying violation, 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 4 years.

5. In determining the length of the additional penalty imposed pursuant to subsection 4, the court shall consider the following information:

(a) The facts and circumstances of the violation;

(b) The criminal history of the person;

(c) The impact of the violation 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.

6. The sentence prescribed by subsection 4:

(a) Must not exceed the sentence imposed for the underlying violation of subsection 1 or 3, as applicable; and

(b) Must run consecutively with the sentence imposed for the underlying violation of subsection 1 or 3, as applicable.

7. The provisions of subsection 4 do not create any separate offense but provide an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

8. In addition to any punishment imposed pursuant to this section, the court shall order a person convicted of a violation of this section to pay all costs associated with any necessary cleanup and disposal related to the manufacturing, growing, planting, cultivation, harvesting, drying, propagation or processing of the marijuana or the extraction of concentrated cannabis.

Senator Scheible moved that the Senate concur in Assembly Amendment No. 605 to Senate Bill No. 359.

Remarks by Senator Scheible.

Amendment No. 605 to Senate Bill No. 359 make technical and other conforming changes to align with the intent of the sponsor and the committees.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 21.

The following Assembly amendment was read:

Amendment No. 618.

SUMMARY—Revises requirements relating to background investigations conducted by certain institutions, agencies and facilities that serve children. (BDR 5-303)

AN ACT relating to the protection of children; revising requirements relating to background investigations for certain applicants for employment with, and employees of, certain institutions, agencies and facilities that serve children; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires public or private institutions and agencies to which a juvenile court commits a child to conduct background investigations of employees of such institutions and agencies. (NRS 62B.270) Existing law also requires agencies which provide child welfare services to conduct background investigations of applicants for employment with, and employees of, such agencies. (NRS 432B.198) Existing law additionally requires certain facilities which provide residential mental health treatment to children to conduct background investigations of employees of such facilities. (NRS 433B.183) Such background investigations are conducted for the purpose of determining whether an applicant or employee has been convicted of certain specified crimes and, with respect to agencies which provide child welfare services, whether an applicant or employee has charges pending against him or her for any such crime. (NRS 62B.270, 432B.198, 433B.183) If the results of a background investigation correctly provide that an applicant or employee has been convicted of any such crime, the application for employment or the employment of the person must be denied or terminated, respectively. (NRS 62B.275, 432B.199, 433B.185) Additionally, if the results of a background investigation conducted by an agency which provides child welfare services correctly provide that an applicant or employee has charges pending against him or her for any such crime, the application for employment or the employment of the person may be denied or terminated, respectively. (NRS 432B.199)

~~[To ensure uniformity in background investigations conducted by each such institution, agency or facility: (1) sections 1 and 5 of this bill, respectively, additionally require public or private institutions and agencies to which a juvenile court commits a child and certain facilities which provide residential mental health treatment to children to conduct background investigations of applicants for employment; and (2) sections]~~ Sections 1, 3 and 5 of this bill revise the specified crimes authorizing or requiring, as applicable, the denial of an application for employment or the termination of employment with such an institution, agency or facility. For the purposes of conforming with background investigations conducted by agencies which provide child welfare services, sections 1 and 5 also provide that, in addition to determining whether an ~~[applicant or]~~ employee has been convicted of certain specified crimes, the purpose of a background investigation conducted by public or private institutions and agencies to which a juvenile court commits a child and certain facilities which provide residential mental health treatment to children is to

determine whether an ~~[applicant or]~~ employee has criminal charges pending against him or her for a specified crime. Accordingly, sections 2 and 6 of this bill provide that if such an ~~[applicant or]~~ employee has criminal charges pending against him or her for a specified crime, ~~[his or her application for employment may be denied or]~~ his or her employment may be terminated . ~~[, as applicable.]~~ Sections 1-6 of this bill specify when the period during which criminal charges are pending against an applicant or employee begins and ends.

~~[Sections 2,]~~ Section 4 ~~[and 6]~~ of this bill ~~[, respectively, authorize public or private institutions and agencies to which a juvenile court commits a child,]~~ authorizes agencies which provide child welfare services ~~[and certain facilities which provide residential mental health treatment to children]~~ to waive the prohibition on hiring an applicant who has been convicted of a specified crime if the institution, agency or facility adopts and applies an objective weighing test pursuant to which certain factors are considered relating to the applicant and the crime committed. ~~[Sections 2,]~~ Section 4 ~~[and 6 require]~~ requires such an ~~[institution,]~~ agency ~~[or facility]~~ to track certain data regarding each applicant to whom the objective weighing test is applied and review the data at least once every 2 years to determine the efficacy of the test and whether the data indicates the presence of implicit bias. ~~[Sections 2,]~~ Section 4 ~~[and 6]~~ also ~~[provide]~~ provides that : (1) the prohibition on hiring an applicant who has been convicted of a specified crime may not be waived through the use of the objective weighing test if the specified crime was sexually-related and the victim was a child who was less than 18 years of age when the crime was committed; and (2) the hiring determination made by such an institution, agency or facility after applying the objective weighing test to an applicant is final.

Existing law requires: (1) an employee of a public or private institution or agency to which a juvenile court commits a child or a facility which provides residential mental health treatment to children to submit two complete sets of his or her fingerprints as part of a background investigation; and (2) an applicant for employment with, or an employee of, an agency which provides child welfare services to submit one complete set of his or her fingerprints as part of a background investigation. (NRS 62B.270, 432B.198, 433B.183) Sections 1 and 5 require an employee of a public or private institution or agency to which a juvenile court commits a child or a facility which provides residential mental health treatment to children to submit one complete set of his or her fingerprints as part of a background investigation instead of two sets of fingerprints.

~~[Existing law authorizes a public institution or agency to which a juvenile court commits a child, the licensing authority of a private institution to which a juvenile court commits a child and the Division of Child and Family Services of the Department of Health and Human Services to charge an employee who is the subject of a background investigation the reasonable cost of the investigation. (NRS 62B.270, 433B.183) Sections 1 and 5 expand such~~

~~authorization to include the ability to charge an applicant for employment who is the subject of a background investigation the reasonable cost of the investigation, and section 3 similarly authorizes an agency which provides child welfare services to charge an applicant or employee who is the subject of a background investigation the reasonable cost of the investigation.]~~

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

Section 1. NRS 62B.270 is hereby amended to read as follows:

62B.270 1. A public institution or agency to which a juvenile court commits a child or the licensing authority of a private institution to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, shall secure from appropriate law enforcement agencies information on the background and personal history of each ~~*[applicant for employment with the institution or agency, and each]*~~ employee of the institution or agency ~~*[,]*~~ to determine ~~[whether]~~ *:*

(a) Whether the ~~*[applicant or]*~~ employee has been convicted of:

~~[(a)]~~ *(1)* Murder, voluntary manslaughter *, involuntary manslaughter* or mayhem;

~~[(b)]~~ *(2)* Any other felony involving *the use or threatened use of force or violence or* the use of a firearm or other deadly weapon;

~~[(c)]~~ *(3)* Assault with intent to kill or to commit sexual assault or mayhem;

~~[(d)]~~ *(4) Battery which results in substantial bodily harm to the victim;*

(5) Battery that constitutes domestic violence that is punishable as a felony;

(6) Battery that constitutes domestic violence, other than a battery described in subparagraph (5), within the immediately preceding 3 years;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure *, an offense involving pornography and a minor* or any other sexually related crime;

~~[(e)]~~ *(8) A crime involving pandering or prostitution, including, without limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive, other than a violation of NRS 201.354 by engaging in prostitution;*

(9) Abuse or neglect of a child ~~[or contributory delinquency;~~ ~~(f)]~~ *, including, without limitation, a violation of any provision of NRS 200.508 or 200.5083;*

(10) 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 ~~[;~~ ~~(g)]~~ *within the immediately preceding 3 years;*

(11) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance that is punishable as a felony;

(12) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating

liquor or a controlled substance, other than a violation described in subparagraph (11), within the immediately preceding 3 years;

(13) 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; or

~~[(h)]~~ *(14)* Any offense involving *arson,* fraud, theft, embezzlement, burglary, robbery, fraudulent conversion , ~~[or]~~ misappropriation of property *or perjury* within the immediately preceding 7 years ~~[.]~~ *; or*

(b) Whether there are criminal charges pending against the ~~[applicant or]~~ employee for a crime listed in paragraph (a).

2. An ~~*[applicant for employment with or an]*~~ employee of the public or private institution or agency must submit to the public institution or agency or the licensing authority, as applicable, ~~[two]~~ *a* complete ~~[sets]~~ *set* of fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. The public institution or agency or the licensing authority, as applicable, may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted.

4. The public institution or agency or the licensing authority, as applicable, may charge an ~~*[applicant or]*~~ employee investigated pursuant to this section for the reasonable cost of that investigation.

5. When a report from the Federal Bureau of Investigation is received by the Central Repository, the Central Repository shall immediately forward a copy of the report to the public institution or agency or the licensing authority, as applicable, for a determination of whether the ~~*[applicant or]*~~ employee *has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 or* has been convicted of a crime listed in *paragraph (a) of* subsection 1.

6. A person who is required to submit to an investigation required pursuant to this section shall not have contact with a child without supervision in a public or private institution or agency to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, before the investigation of the background and personal history of the person has been conducted.

7. The public institution or agency or the licensing authority, as applicable, shall conduct an investigation of each employee of the institution or agency pursuant to this section at least once every 5 years after the initial investigation.

8. For the purposes of this section, the period during which criminal charges are pending against an ~~[applicant or]~~ employee for a crime listed in paragraph (a) of subsection 1 begins when the ~~[applicant or]~~ employee is arrested for such a crime and ends when:

(a) A determination is made as to the guilt or innocence of the ~~[applicant or]~~ employee with regard to such a crime at a trial or by a plea; or

(b) The prosecuting attorney makes a determination to:

(1) Decline charging the ~~[applicant or]~~ employee with a crime listed in paragraph (a) of subsection 1; or

(2) Proceed with charges against the ~~[applicant or]~~ employee for only one or more crimes not listed in paragraph (a) of subsection 1.

Sec. 2. NRS 62B.275 is hereby amended to read as follows:

62B.275 1. Upon receiving information from the Central Repository for Nevada Records of Criminal History pursuant to NRS 62B.270 or evidence from any other source that an ~~*[applicant for employment with or an]*~~ employee of a public institution or agency to which a juvenile court commits a child or the licensing authority of a private institution to which a juvenile court commits a child, including, without limitation, a facility for the detention of children ~~[, has]~~ *:*

(a) Has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 of NRS 62B.270:

(1) The public institution or agency may ~~[deny employment to the applicant or]~~ terminate the employment of the employee after allowing the ~~[applicant or]~~ employee time to correct the information as required pursuant to subsection 2; or

(2) The licensing authority of the private institution shall inform the private institution of the receipt of the information or evidence, and the institution may ~~[deny employment to the applicant or]~~ terminate the employment of the employee after allowing the ~~[applicant or]~~ employee time to correct the information as required pursuant to subsection 2; or

(b) ~~*[Except as otherwise provided in subsection 4, has]*~~ *Has* been convicted of a crime listed in *paragraph (a) of subsection 1 of* NRS 62B.270:

~~[(a)]~~ *(1)* The public institution or agency shall ~~*[deny employment to the applicant or]*~~ terminate the employment of the employee after allowing the ~~*[applicant or]*~~ employee time to correct the information as required pursuant to subsection 2; or

~~[(b)]~~ *(2)* The licensing authority of the private institution shall inform the private institution of the receipt of the information or evidence, and the institution shall ~~*[deny employment to the applicant or]*~~ terminate the employment of the employee after allowing the ~~*[applicant or]*~~ employee time to correct the information as required pursuant to subsection 2.

2. If ~~*[an applicant for employment or]*~~ an employee believes that the information provided to the public institution or agency or the licensing authority by the Central Repository pursuant to NRS 62B.270 is incorrect, the ~~*[applicant or]*~~ employee must inform his or her employing ~~*[the]*~~ institution or agency immediately. An institution or agency that is so informed shall give the ~~*[applicant or]*~~ employee a reasonable amount of time of not less than 30 days to correct the information.

3. During the period in which an ~~*[applicant or]*~~ employee seeks to correct information pursuant to subsection 2, it is within the discretion of the employing institution or agency whether to allow the ~~*[applicant or]*~~ employee

to ~~*[begin working or]*~~ continue to work for the institution or agency, as applicable, except that the ~~*[applicant or]*~~ employee shall not have contact with a child in the institution or agency without supervision during such period.

~~*4. [A public or private institution or agency to which a juvenile court commits a child may waive the prohibition on hiring an applicant who has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 62B.270 if the institution or agency adopts and applies an objective weighing test in accordance with this subsection. The objective weighing test must include factors the institution or agency will consider when making a determination as to whether to waive such a prohibition, including, without limitation:*~~

~~*(a) The age, maturity and capacity of the applicant at the time of his or her conviction;*~~

~~*(b) The length of time since the applicant committed the crime;*~~

~~*(c) Any participation by the applicant in rehabilitative services; and*~~

~~*(d) The relevance of the crime to the position for which the applicant has applied.*~~

~~*5. A public or private institution or agency to which a juvenile court commits a child shall, with regard to each applicant to whom the institution or agency applies the objective weighing test pursuant to subsection 4:*~~

~~*(a) Track the age, race and ethnicity of the applicant, the position for which the applicant applied and the hiring determination made by the institution or agency; and*~~

~~*(b) Review such data not less than once every 2 years to determine the efficacy of the objective weighing test and whether the data indicates the presence of any implicit bias.*~~

~~*6. The hiring determination made by a public or private institution or agency to which a juvenile court commits a child with regard to an applicant to whom the institution or agency applies the objective weighing test is final.*~~

~~*7.]*~~ *For the purposes of this section, the period during which criminal charges are pending against an* ~~*[applicant or]*~~ *employee for a crime listed in paragraph (a) of subsection 1 of NRS 62B.270 begins and ends as set forth in subsection 8 of that section.*

Sec. 3. NRS 432B.198 is hereby amended to read as follows:

432B.198 1. An agency which provides child welfare services shall secure from appropriate law enforcement agencies information on the background and personal history of each applicant for employment with the agency, and each employee of the agency, to determine:

(a) Whether the applicant or employee has been convicted of:

(1) Murder, voluntary manslaughter, involuntary manslaughter or mayhem;

(2) Any *other* felony involving the use or threatened use of force or violence or the use of a firearm or other deadly weapon;

(3) Assault with intent to kill or to commit sexual assault or mayhem;

(4) Battery which results in substantial bodily harm to the victim;

(5) Battery that constitutes domestic violence that is punishable as a felony;

(6) Battery that constitutes domestic violence, other than a battery described in subparagraph (5), within the immediately preceding 3 years;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure , ~~[or]~~ an offense involving pornography and a minor ~~[.]~~ *or any other sexually related crime;*

(8) A crime involving pandering or prostitution, including, without limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive ~~[.]~~ *, other than a violation of NRS 201.354 by engaging in prostitution;*

(9) Abuse or neglect of a child, including, without limitation, a violation of any provision of NRS 200.508 or 200.5083 *;* ~~[or contributory delinquency;]~~

(10) 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 3 years;*

(11) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance that is punishable as a felony;

(12) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance, other than a violation described in subparagraph (11), within the immediately preceding 3 years;

(13) 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; or

(14) Any offense involving arson, fraud, theft, embezzlement, burglary, robbery, fraudulent conversion, misappropriation of property or perjury within the immediately preceding 7 years; or

(b) Whether there are criminal charges pending against the applicant or employee for a ~~[violation of an offense]~~ *crime* listed in paragraph (a).

2. An agency which provides child welfare services shall request information from:

(a) The Statewide Central Registry concerning an applicant for employment with the agency, or an employee of the agency, to determine whether there has been a substantiated report of child abuse or neglect made against the applicant or employee; and

(b) The central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years to ensure satisfactory clearance with that registry.

3. Each applicant for employment with an agency which provides child welfare services, and each employee of an agency which provides child welfare services, must submit to the agency:

(a) A complete set of his or her fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(b) Written authorization for the agency to obtain any information that may be available from the Statewide Central Registry or the central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years.

4. An agency which provides child welfare services may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted pursuant to this section.

5. ~~*[An agency which provides child welfare services may charge an applicant for employment or an employee investigated pursuant to this section for the reasonable cost of that investigation.*~~

~~*— 6.]*~~ When a report from the Federal Bureau of Investigation is received by the Central Repository, the Central Repository shall immediately forward a copy of the report to the agency which provides child welfare services for a determination of whether the applicant or employee has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 or has been convicted of a crime listed in paragraph (a) of subsection 1.

6. ~~*[7.]*~~ An agency which provides child welfare services shall conduct an investigation of each employee of the agency pursuant to this section at least once every 5 years after the initial investigation.

7. ~~*[8.]*~~ *For the purposes of this section, the period during which criminal charges are pending against an applicant or employee for a crime listed in paragraph (a) of subsection 1 begins when the applicant or employee is arrested for such a crime and ends when:*

(a) A determination is made as to the guilt or innocence of the applicant or employee with regard to such a crime at a trial or by a plea; or

(b) The prosecuting attorney makes a determination to:

(1) Decline charging the applicant or employee with a crime listed in paragraph (a) of subsection 1; or

(2) Proceed with charges against the applicant or employee for only one or more crimes not listed in paragraph (a) of subsection 1.

~~*[9.]*~~ *8.* As used in this section, "Statewide Central Registry" means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 4. NRS 432B.199 is hereby amended to read as follows:

432B.199 1. If the report from the Federal Bureau of Investigation forwarded to an agency which provides child welfare services pursuant to subsection 5 ~~*[6]*~~ of NRS 432B.198, the information received by an agency which provides child welfare services pursuant to subsection 2 of NRS 432B.198 or evidence from any other source indicates that an applicant for employment with the agency, or an employee of the agency:

(a) Has *criminal* charges pending against him or her for a crime listed in paragraph (a) of subsection 1 of NRS 432B.198, the agency may deny employment to the applicant or terminate the employment of the employee after allowing the applicant or employee time to correct the information as required pursuant to subsection 2 or 3, whichever is applicable; or

(b) ~~[Has]~~ *Except as otherwise provided in subsection 6, has* been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 432B.198, has had a substantiated report of child abuse or neglect made against him or her or has not been satisfactorily cleared by a central registry described in paragraph (b) of subsection 2 of NRS 432B.198, the agency shall deny employment to the applicant or terminate the employment of the employee after allowing the applicant or employee time to correct the information as required pursuant to subsection 2 or 3, whichever is applicable.

2. If an applicant for employment or an employee believes that the information in the report from the Federal Bureau of Investigation forwarded to the agency which provides child welfare services pursuant to subsection 5 ~~*[6]*~~ of NRS 432B.198 is incorrect, the applicant or employee must inform the agency immediately. An agency that provides child welfare services that is so informed shall give the applicant or employee a reasonable amount of time of not less than 30 days to correct the information.

3. If an applicant for employment or an employee believes that the information received by an agency which provides child welfare services pursuant to subsection 2 of NRS 432B.198 is incorrect, the applicant or employee must inform the agency immediately. An agency which provides child welfare services that is so informed shall give the applicant or employee a reasonable amount of time of not less than 60 days to correct the information.

4. During the period in which an applicant or employee seeks to correct information pursuant to subsection 2 or 3, the applicant or employee:

(a) Shall not have contact with a child or a relative or guardian of the child in the course of performing any duties as an employee of the agency which provides child welfare services.

(b) May be placed on leave without pay.

5. The provisions of subsection 4 must not be construed as preventing an agency which provides child welfare services from initiating internal disciplinary procedures against an employee during the period in which an employee seeks to correct information pursuant to subsection 2 or 3.

6. ~~*[An]*~~ *Except as otherwise provided in subsection 7, an agency which provides child welfare services may waive the prohibition on hiring an applicant who has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 432B.198 if the agency adopts and applies an objective weighing test in accordance with this subsection. The objective weighing test must include factors the agency will consider when making a determination as to whether to waive such a prohibition, including, without limitation:*

(a) The age, maturity and capacity of the applicant at the time of his or her conviction;

(b) The length of time since the applicant committed the crime;

(c) Any participation by the applicant in rehabilitative services; and

(d) The relevance of the crime to the position for which the applicant has applied.

7. The prohibition on hiring an applicant who has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 432B.198 may not be waived through the use of the objective weighing test if the crime was sexually-related and the victim was a child who was less than 18 years of age when the crime was committed.

8. An agency which provides child welfare services shall, with regard to each applicant to whom the agency applies the objective weighing test pursuant to subsection 6:

(a) Track the age, race and ethnicity of the applicant, the position for which the applicant applied and the hiring determination made by the agency; and

(b) Review such data not less than once every 2 years to determine the efficacy of the objective weighing test and whether the data indicates the presence of any implicit bias.

[8.] 9. The hiring determination made by an agency which provides child welfare services with regard to an applicant to whom the agency applies the objective weighing test is final.

[9.] 10. For the purposes of this section, the period during which criminal charges are pending against an applicant or employee for a crime listed in paragraph (a) of subsection 1 of NRS 432B.198 begins and ends as set forth in subsection [8] 7 of that section.

Sec. 5. NRS 433B.183 is hereby amended to read as follows:

433B.183 1. A division facility which provides residential treatment to children shall secure from appropriate law enforcement agencies information on the background and personal history of [an *each applicant for employment with the facility, and]* *each* employee of the facility *[,]* to determine [whether]

(a) Whether the *[applicant or]* employee has been convicted of:

[(a)] *(1)* Murder, voluntary manslaughter *, involuntary manslaughter* or mayhem;

[(b)] *(2)* Any other felony involving *the use or threatened use of force or violence or* the use of a firearm or other deadly weapon;

[(c)] *(3)* Assault with intent to kill or to commit sexual assault or mayhem;

[(d)] *(4) Battery which results in substantial bodily harm to the victim;*

(5) Battery that constitutes domestic violence that is punishable as a felony;

(6) Battery that constitutes domestic violence, other than a battery described in subparagraph (5), within the immediately preceding 3 years;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure *, an offense involving pornography and a minor* or any other sexually related crime;

~~[(e)]~~ *(8) A crime involving pandering or prostitution, including, without limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive, other than a violation of NRS 201.354 by engaging in prostitution;*

(9) Abuse or neglect of a child ~~[or contributory delinquency;~~

~~(f)]~~ *, including, without limitation, a violation of any provision of NRS 200.508 or 200.5083;*

(10) 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 ~~[,~~

~~(g)]~~ *within the immediately preceding 3 years;*

(11) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance that is punishable as a felony;

(12) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance, other than a violation described in subparagraph (11), within the immediately preceding 3 years;

(13) 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; or

~~[(h)]~~ *(14)* Any offense involving *arson*, fraud, theft, embezzlement, burglary, robbery, fraudulent conversion , ~~[or]~~ misappropriation of property *or perjury* within the immediately preceding 7 years ~~[.]~~ *; or*

(b) Whether there are criminal charges pending against the ~~[applicant or]~~ employee for a crime listed in paragraph (a).

2. An ~~*[applicant or]*~~ employee must submit to the Division ~~[two]~~ *a* complete ~~[sets]~~ *set* of fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. The Division may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted.

4. The Division may charge an ~~*[applicant or]*~~ employee investigated pursuant to this section for the reasonable cost of that investigation.

5. *When a report from the Federal Bureau of Investigation is received by the Central Repository, the Central Repository shall immediately forward a copy of the report to the Division for a determination of whether the ~~[applicant or]~~ employee has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 or has been convicted of a crime listed in paragraph (a) of subsection 1.*

6. An ~~*[applicant or]*~~ employee who is required to submit to an investigation required pursuant to this section shall not have contact with a child in a division facility without supervision before the investigation of the

background and personal history of the ~~*[applicant or]*~~ employee has been conducted.

~~[6.]~~ *7.* The division facility shall conduct an investigation of each employee pursuant to this section at least once every 5 years after the initial investigation.

8. For the purposes of this section, the period during which criminal charges are pending against an ~~[applicant or]~~ employee for a crime listed in paragraph (a) of subsection 1 begins when the ~~[applicant or]~~ employee is arrested for such a crime and ends when:

(a) A determination is made as to the guilt or innocence of the ~~[applicant or]~~ employee with regard to such a crime at a trial or by a plea; or

(b) The prosecuting attorney makes a determination to:

(1) Decline charging the ~~[applicant or]~~ employee with a crime listed in paragraph (a) of subsection 1; or

(2) Proceed with charges against the ~~[applicant or]~~ employee for only one or more crimes not listed in paragraph (a) of subsection 1.

Sec. 6. NRS 433B.185 is hereby amended to read as follows:

433B.185 1. Upon receiving information from the Central Repository for Nevada Records of Criminal History pursuant to NRS 433B.183 or evidence from any other source that an ~~*[applicant for employment with or an]*~~ employee of a division facility that provides residential treatment for children ~~[has]~~ *:*

(a) Has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 of NRS 433B.183, the administrative officer may ~~[deny employment to the applicant or]~~ terminate the employment of the employee after allowing the ~~[applicant or]~~ employee time to correct the information as required pursuant to subsection 2; or

(b) ~~*[Except as otherwise provided in subsection 4, has]*~~ *Has* been convicted of a crime listed in *paragraph (a) of subsection 1 of* NRS 433B.183, the administrative officer shall ~~*[deny employment to the applicant or]*~~ terminate the employment of the employee after allowing the ~~*[applicant or]*~~ employee time to correct the information as required pursuant to subsection 2.

2. If ~~*[an applicant for employment or]*~~ an employee believes that the information provided to the division facility pursuant to subsection 1 is incorrect, the ~~*[applicant or]*~~ employee must inform the division facility immediately. A division facility that is so informed shall give the ~~*[applicant or]*~~ employee 30 days to correct the information.

3. During the period in which an ~~*[applicant or]*~~ employee seeks to correct information pursuant to subsection 2, it is within the discretion of the administrative officer whether to allow the ~~*[applicant or]*~~ employee to ~~*[begin working or]*~~ continue to work for the division facility, ~~*[as applicable,]*~~ except that the ~~*[applicant or]*~~ employee shall not have contact with a child in the division facility without supervision during such period.

~~*4. [A division facility that provides residential treatment for children may waive the prohibition on hiring an applicant who has been convicted of a crime*~~

~~*listed in paragraph (a) of subsection 1 of NRS 433B.183 if the division facility adopts and applies an objective weighing test in accordance with this subsection. The objective weighing test must include factors the division facility will consider when making a determination as to whether to waive such a prohibition, including, without limitation:*~~

~~*(a) The age, maturity and capacity of the applicant at the time of his or her conviction;*~~

~~*(b) The length of time since the applicant committed the crime;*~~

~~*(c) Any participation by the applicant in rehabilitative services; and*~~

~~*(d) The relevance of the crime to the position for which the applicant has applied.*~~

~~*5. A division facility that provides residential treatment for children shall, with regard to each applicant to whom the division facility applies the objective weighing test pursuant to subsection 4:*~~

~~*(a) Track the age, race and ethnicity of the applicant, the position for which the applicant applied and the hiring determination made by the division facility; and*~~

~~*(b) Review such data not less than once every 2 years to determine the efficacy of the objective weighing test and whether the data indicates the presence of any implicit bias.*~~

~~*6. The hiring determination made by a division facility that provides residential treatment for children with regard to an applicant to whom the division facility applies the objective weighing test is final.*~~

~~*7.]*~~ *For the purposes of this section, the period during which criminal charges are pending against an ~~[applicant or]~~ employee for a crime listed in paragraph (a) of subsection 1 of NRS 433B.183 begins and ends as set forth in subsection 8 of that section.*

Sec. 7. This act becomes effective on January 1, 2022.

Senator Scheible moved that the Senate do not concur in Assembly Amendment No. 618 to Senate Bill No. 21.

Remarks by Senator Scheible.

Amendment No. 618 inadvertently omitted certain clauses from Senate Bill No. 21 which were necessary to ensure applicants for jobs in the juvenile-justice systems were subject to background check.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 176.

The following Assembly amendment was read:

Amendment No. 597.

SUMMARY—Revises provisions relating to the Commission to Study Governmental Purchasing. (BDR ~~[17-512)]~~ 27-512)

AN ACT relating to governmental purchasing; ~~[authorizing the Commission to Study Governmental Purchasing to request the drafting of not more than 1 legislative measure for each regular session of the Legislature;]~~ revising the

duties of the Commission ~~[;]~~ to Study Governmental Purchasing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law prescribes the number of legislative measures which may be requested by various departments, agencies and other entities of this State for each regular session of the Legislature. (NRS 218D.100-218D.220) Section 1 of this bill authorizes the Commission to Study Governmental Purchasing to request for each regular session of the Legislature the drafting of not more than 1 legislative measure which relates to matters within the scope of the Commission. Section 2 of this bill makes conforming changes to indicate the placement of section 1 in the Nevada Revised Statutes.]~~

Existing law requires the Commission to Study Governmental Purchasing to meet periodically to study practices in governmental purchasing and laws relating thereto and make recommendations to the Legislature with respect to those laws. (NRS 332.215) ~~[Section 2.5 of this]~~ This bill : (1) removes the requirement that the Commission make such recommendations to the Legislature; and (2) specifically requires the Commission to study ~~[and make recommendations to the Legislature with regard to]~~ best practices for awarding governmental purchasing contracts to companies that represent the diversity of this State or are located within communities served by the local government that is awarding the contract.

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

Section 1. ~~[Chapter 218D of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. For a regular session, the Commission to Study Governmental Purchasing created by NRS 332.215 may request the drafting of not more than 1 legislative measure which relates to matters within the scope of the Commission. The request must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.*~~

~~*2. A request made pursuant to this section must be on a form prescribed by the Legislative Counsel. A legislative measure requested pursuant to this section must be prefiled on or before the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.]*~~ (Deleted by amendment.)

Sec. 2. ~~[NRS 218D.100 is hereby amended to read as follows:~~

~~218D.100 1. The provisions of NRS 218D.100 to 218D.220, inclusive, *and section 1 of this act* apply to requests for the drafting of legislative measures for a regular session.~~

~~2. Except as otherwise provided by a specific statute, joint rule or concurrent resolution, the Legislative Counsel shall not honor a request for the drafting of a legislative measure if the request:~~

~~(a) Exceeds the number of requests authorized by NRS 218D.100 to 218D.220, inclusive, *and section 1 of this act* for the requester; or~~

~~(b) Is submitted by an authorized nonlegislative requester pursuant to NRS 218D.175 to 218D.220, inclusive, *and section 1 of this act*, but is not in a subject related to the function of the requester.~~

~~3. The Legislative Counsel shall not:~~

~~(a) Honor a request to change the subject matter of a request for the drafting of a legislative measure after it has been submitted for drafting.~~

~~(b) Honor a request for the drafting of a legislative measure which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution.~~] (Deleted by amendment.)

Sec. 2.5. NRS 332.215 is hereby amended to read as follows:

332.215 1. Each county of this state whose population is 100,000 or more, must be a member of the Commission to Study Governmental Purchasing which is composed of all purchasing agents of the local governments within those counties. Each county whose population is less than 100,000 may participate as a voting member of the Commission. The members shall select a Chair from among their number.

2. The Commission shall meet no less than quarterly or at the call of the Chair to study practices in governmental purchasing , *including, without limitation, best practices for awarding contracts to companies that represent the diversity of this State or are located within communities served by the governing body that is awarding the contract,* and laws relating thereto . ~~[and *The Commission* shall make recommendations with respect to those *practices and* laws to the next regular session of the Legislature.]~~

Sec. 3. This act becomes effective on July 1, 2021.

Senator Ohrenschall moved that the Senate do not concur in Assembly Amendment No. 597 to Senate Bill No. 176.

Remarks by Senator Ohrenschall.

There needs to be some continued conversation with the Assembly about Amendment No. 597 to Senate Bill No. 176. Some of the deletions in the language are important to this bill.

Motion carried.

Bill transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Brooks moved that Assembly Bill No. 256 be taken from the General File and re-referred to the Committee on Finance.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 84, 102, 107, 112, 138, 141, 145, 151, 168, 172, 184, 193, 204, 247, 251, 259, 268, 284, 285, 289, 303, 305, 309, 311, 357, 362, 363, 364, 368, 370, 371, 372, 376, 379, 398, 400, 408; Assembly Bills Nos. 139, 143, 254, 258, 261, 278, 302, 304, 307, 316, 318, 325, 336, 344, 348, 360, 362, 378, 390, 397, 398, 409, 414, 421, 430, 435, 450, 452, 476; Assembly Joint Resolution No. 3.

Senator Cannizzaro moved that the Senate adjourn until Wednesday, May 26, 2021, at 11:00 a.m.

Motion carried.

Senate adjourned at 8:38 p.m.

Approved: MOISES DENIS
President pro Tempore of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate