

THE ONE HUNDRED-TWENTIETH DAY

CARSON CITY (Monday), May 31, 2021

Senate called to order at 12:38 p.m.

President Marshall presiding.

Roll called.

All present.

Prayer by Senator Dina Neal.

Father God, we thank You for this day. Thank You for the 120 days we have been in this building, and now we will be able to leave it. I am honored we have been able to increase our emotional intelligence by dealing with each other these last few days, and we have managed to still stand here peacefully. Thank You, Lord God, for Your awesomeness and Your ability to keep us safe and protect us. Thank You for giving us discretion and guidance on how to manage the constituents of our State.

Let us pray for this day and safe travels home.

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.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 30, 2021

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 55, 205, 210, 211, 236, 310, 318, 340, 416, 417, 424, 430, 431, 432, 433, 434, 435, 441, 442, 443, 445, 449, 450, 453, 454, 456.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 219, Amendment No. 790; Senate Bill No. 254, Amendments Nos. 610, 746, 801; Senate Bill No. 386, Amendment No. 817; Senate Bill No. 420, Amendment No. 833; Senate Bill No. 428, Amendment No. 832; Senate Bill No. 457, Amendment No. 845, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted, as amended, Assembly Concurrent Resolution No. 3.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 811 to Assembly Bill No. 40; Senate Amendments Nos. 538, 768 to Assembly Bill No. 67; Senate Amendment No. 812 to Assembly Bill No. 460; Senate Amendment No. 803 to Assembly Bill No. 480.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Assembly Bills Nos. 116, 126, 189, 196, 224, 486 be taken from their position on the General File and placed at the top of the General File.

Motion carried.

Assembly Concurrent Resolution No. 3.

Senator Ratti moved that Senate Standing Rule No. 40 be suspended and that the resolution be referred to the Committee on Finance.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 116.

Bill read third time.

Remarks by Senators Harris, Cannizzaro, Hansen and Ohrenschall.

SENATOR HARRIS:

Assembly Bill No. 116 provides that certain traffic-law violations are civil infractions unless a criminal penalty is prescribed for the violation of a specific statute. It defines certain traffic and vehicle violations as misdemeanors and establishes procedures for civil infractions for traffic and related violations to be adjudicated. In addition, the bill appropriates from the State Highway Fund to the Office of Traffic Safety of the Department of Public Safety \$310,000 to make system upgrades and provide training to personnel to carry out the provisions of this bill. It is past time we make the move from criminal traffic offenses to civil. There are many people whose lives have been derailed by a missed court date on a simple speeding ticket, and it is time to put an end to that.

SENATOR CANNIZZARO:

I support Assembly Bill No. 116. I worked with the Assemblywoman who not only carried the bill but also cosponsor it. We were both interested in this topic after last Session and were not able to get there, then, with a bill. As someone who works with the criminal-justice system, I believe there are ways that system is exceedingly ineffective in dealing with certain situations. Traffic tickets easily fall within that box.

There have been many concerns about how to get this moving or whether we should do it. The answer is simple: it makes complete sense. People will be fined if they get a traffic ticket, and there are provisions in this bill that allow us to treat serious offenses appropriately. For the most part, however, people get traffic tickets. I was probably not a very good driver when I was much younger and have received tickets myself. Those things happen. We learn how to be better drivers so others can be safe, and we get where we need to be when we need to be there. In the criminal-justice system, the solution usually ends up with additional jail time. People do not pay the fines or fees and are now taking up unnecessary space in our detention facilities. They suffer ramifications for something that does not rise to the level of criminal intent, malice or even neglectful wrongdoing.

I urge my colleagues to vote in support of this bill. It makes improvements to the system and is one of the ways we can treat people fairly in that situation.

SENATOR HANSEN:

I support the policy, but I am voting "no." Some of my rural counties will incur a substantial cost to implement this bill. This is the fifth Session we have attempted to do this, and it is a step in the right direction. We need to keep in mind there are small counties with limited budgets, and implementing Assembly Bill No. 116 will be difficult for them.

SENATOR OHRENSCHALL:

I support Assembly Bill No. 116. As mentioned by my colleagues, there have been many attempts in prior Sessions. During the 2015 Session, when my colleague from Sparks was Chair of the Assembly Judiciary Committee and I was a Committee member, there was bipartisan support on that Committee to try to make traffic and speeding tickets noncriminal. As in past Sessions, we ran into a brick wall because it would be too expensive or too difficult. I commend the sponsor of this bill for building this coalition and overcoming those barriers. It has been a long time coming, and this will be a positive change for people's lives. This does not belong in the criminal courts, and I urge your support.

Roll call on Assembly Bill No. 116:

YEAS—20.

NAYS—Hansen.

Assembly Bill No. 116 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 126.

Bill read third time.

Remarks by Senators Denis and Pickard.

SENATOR DENIS:

Assembly Bill No. 126 establishes the requirements and procedures for conducting a presidential-preference primary election to be held by each major political party on the first Tuesday in February of each presidential-election year. An exception is made for a party in cases where only one major party candidate has filed a declaration of candidacy. The measure establishes the procedure for a candidate to make a declaration of candidacy for the primary. The State must pay the cost of this election from the Reserve for Statutory Contingency Account. The bill clarifies that minor political parties do not participate in the presidential-preference primary. Major political-party precinct meetings and party conventions must occur after the presidential-preference primary. Further, county clerks must publish information about the presidential-preference primary and are required to post a notice if a qualified candidate listed on the ballot has died. These officials also must determine the number of registered voters by precinct and district in their county and the political affiliation prior to the presidential-primary election.

Each county must provide a vote center for the day of the presidential-preference primary, and a registered voter who indicated a major party affiliation may vote at any polling place in the county. The bill provides a timeframe for early voting and allows for same-day voter registration. Indian tribes are authorized to request a polling place for the purposes of this primary within an Indian colony or reservation. The Secretary of State and county clerks must follow procedures for compiling the results and making reports consistent with the processes they follow for primary and general elections.

SENATOR PICKARD:

I planned to introduce a bill to move to a primary election. In preparation of doing so, constituents consistently told me it was not a good idea to move the primary to the beginning of the year. It meant we would be campaigning, knocking on doors and disturbing the holidays. The majority of people I spoke with felt this would be intrusive, and they said they would resent it. Consequently, I cannot support this measure.

Roll call on Assembly Bill No. 126:

YEAS—15.

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

Assembly Bill No. 126 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 189.

Bill read third time.

Remarks by Senator Dondero Loop.

Assembly Bill No. 189 requires the Director of DHHS, to the extent authorized by federal law, to include in the State Plan for Medicaid a provision that pregnant women who are determined by certain entities to qualify for Medicaid are presumptively eligible for Medicaid for a prescribed period, without applying for enrollment in Medicaid. It prohibits a requirement that a pregnant

woman who resides in Nevada and is eligible for Medicaid must reside in the United States for a prescribed period of time before enrolling in Medicaid.

Assembly Bill No. 189 appropriates General Funds of \$713,856 in Fiscal Year 2023 to the Division of Health Care Financing and Policy and authorizes the expenditure of \$1,208,691 from amounts not appropriated from the State General Fund or the State Highway Fund for a projected increase in medical costs and associated system and actuarial costs for implementation. Additionally, the bill appropriates General Funds of \$150,900 in Fiscal Year 2023 to the Division of Welfare and Supportive Services and authorizes the expenditure of \$1,358,100 from amounts not appropriated from the State General Fund or the State Highway Fund for the implementation of system changes and training necessary to implement provisions of the legislation.

Roll call on Assembly Bill No. 189:

YEAS—21.

NAYS—None.

Assembly Bill No. 189 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 196.

Bill read third time.

Remarks by Senator Dondero Loop.

Assembly Bill No. 196 requires courthouses to contain lactation rooms or pods, under certain circumstances, for use by members of the public to express breast milk. The bill also makes General Fund appropriations to the Administrative Office of the Courts of \$50,000 for allocation of grants to district, municipal and justice courts for the costs of creating lactation rooms or pods contingent upon matching money provided by the court applying for such a grant from sources other than the appropriation.

Roll call on Assembly Bill No. 196:

YEAS—21.

NAYS—None.

Assembly Bill No. 196 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 224.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 850.

SUMMARY—Provides for access to menstrual products in certain public schools. (BDR 34-767)

AN ACT relating to education; requiring that the annual report of accountability prepared by the board of trustees of each school district and the governing bodies of certain charter schools include certain information related to menstrual products; requiring the provision of menstrual products in the bathrooms of certain public schools; requiring the board of trustees of each school district and the governing bodies of certain charter schools to develop a plan to address access to menstrual products; requiring the board of trustees of each school district and the governing bodies of certain charter schools to

submit a report to the Legislature; ~~[directing the Legislative Commission to appoint a committee to conduct an interim study concerning access to menstrual products in middle schools, junior high schools and high schools;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district and the governing bodies of certain charter schools in this State to prepare an annual report of accountability. (NRS 385A.070) Section 1 of this bill requires the report to include information on access to menstrual products in each middle school, junior high school and high school in the school district and certain charter schools. Section 3 of this bill requires the board of trustees of each school district and the governing bodies of certain charter schools to ensure that menstrual products are provided at no cost to pupils in the bathrooms of each middle school, junior high school and high school in the school district or charter school operating as such a school. Section 3 also requires the board of trustees of each school district and the governing bodies of certain charter schools to develop a plan to address access to menstrual products. Section 3 sets forth various requirements of the plan. Finally, section 3 requires the board of trustees or governing body to submit a report on the plan to the Director of the Legislative Counsel Bureau for transmittal to the Legislature in each odd-numbered year.

Section 3.3 of this bill requires 25 percent of certain middle schools, junior high schools and high schools in each school district and 25 percent of certain charter schools with the same sponsor that operate as a middle school, junior high school or high school to provide menstrual products at no cost to pupils in a certain number of restrooms.

~~[Section 3.7 of this bill directs the Legislative Commission to appoint a committee to conduct an interim study concerning the effects of section 3.3 and access to menstrual products in middle schools, junior high schools and high schools in this State.]~~

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

Section 1. Chapter 385A of NRS is hereby amended by adding thereto a new section to read as follows:

The annual report of accountability prepared pursuant to NRS 385A.070 must include, for each middle school, junior high school and high school in the school district and for each charter school that operates as a middle school, junior high school or high school, an evaluation of access to menstrual products.

Sec. 2. NRS 385A.070 is hereby amended to read as follows:

385A.070 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational

achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by NRS 385A.070 to 385A.320, inclusive, *and section 1 of this act* for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before December 31 of each year, prepare for the immediately preceding school year a single annual report of accountability concerning the educational goals and objectives of the school district, the information prescribed by NRS 385A.070 to 385A.320, inclusive, *and section 1 of this act* and such other information as is directed by the Superintendent of Public Instruction. A separate reporting for a group of pupils must not be made pursuant to NRS 385A.070 to 385A.320, inclusive, *and section 1 of this act* if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before December 31 of each year, prepare for the immediately preceding school year an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority and institution, as applicable, which must include, without limitation, the information contained in subsection 2 and NRS 385A.070 to 385A.320, inclusive, *and section 1 of this act* as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section by posting a copy of the report on the Internet website maintained by the Department.

4. The annual report of accountability prepared pursuant to this section must be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

Sec. 3. Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The board of trustees of each school district and the governing body of each charter school that operates as a middle school, junior high school or high school shall ensure that menstrual products are provided at no cost to*

pupils in the bathrooms of each middle school, junior high school and high school in the school district or charter school.

2. The board of trustees of each school district and the governing body of each charter school that operates as middle school, junior high school or high school shall develop a plan to address the lack of access to menstrual products due to affordability and to provide equal access to menstrual products. The board of trustees or governing body shall review the plan each year. The plan must, without limitation:

(a) Evaluate the access to and quality of menstrual products in the middle schools, junior high schools and high schools in the school district or charter school;

(b) Include a method to evaluate the effectiveness of the plan;

(c) Be evidence-based;

(d) Be solution-oriented;

(e) Outline how the school district or charter school will ensure access to menstrual products regardless of affordability and destigmatize the need for menstrual products; and

(f) Outline any curriculum a school in the school district or a charter school may provide regarding access to menstrual products.

3. The board of trustees of a school district or governing body of a charter school that operates as a middle school, junior high school or high school may apply for any available grants and accept any gifts, grants or donations to implement the provisions of this section.

4. On or before February 1 of each odd-numbered year, the board of trustees of each school district and the governing body of each charter school that operates as a middle school, junior high school or high school shall submit a report on the plan developed pursuant to subsection 2 to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

5. As used in this section, "menstrual products" includes, without limitation, sanitary napkins, tampons or similar products used in connection with the menstrual cycle.

Sec. 3.3. On or before January 1, 2022, at least the 25 percent of the middle schools, junior high schools and high schools in each school district and the 25 percent of the charter schools with the same sponsor that operate as a middle school, junior high school or high school that, in the immediately preceding 3 consecutive years, had the highest percentage of pupils who receive free and reduced-price lunches of the schools in the school district or the charter schools with the same sponsor shall provide:

1. Menstrual products at no cost to pupils in women's restrooms for the remainder of the 2021-2022 school year and the 2022-2023 school year; and

2. At least one dispenser stocked with menstrual products at no cost to pupils in at least two women's restrooms in the school, if the school has two or more women's restrooms.

Sec. 3.7. ~~[1. The Legislative Commission shall appoint a committee to conduct an interim study concerning access to menstrual products in middle schools, junior high schools and high schools in this State and the effect of the provisions of section 3.3 of this act on such access;~~

~~2. The interim committee must be composed of the following members:~~

~~(a) One member of the Legislature appointed by the Majority Leader of the Senate;~~

~~(b) One member of the Legislature appointed by the Speaker of the Assembly;~~

~~(c) One member with knowledge relating to access to menstrual products in middle schools, junior high schools and high schools appointed by the Legislative Commission;~~

~~(d) One member appointed by the Department of Education; and~~

~~(e) One member appointed by the State Public Charter School Authority.~~

~~3. The Legislative Commission shall appoint a Chair and Vice Chair from among the members of the interim committee.~~

~~4. In conducting the study, the interim committee may consult with and solicit input from persons and organizations with expertise in matters relevant to access to menstrual products in middle schools, junior high schools and high schools.~~

~~5. The Legislative Commission shall submit a report of the results of the study, including, without limitation, any recommendations for legislation to:~~

~~(a) The Legislative Committee on Education; and~~

~~(b) The Director of the Legislative Counsel Bureau for transmittal to the 82nd Session of the Nevada Legislature.~~

~~6. As used in this section, "menstrual products" includes, without limitation, sanitary napkins, tampons or similar products used in connection with the menstrual cycle.] (Deleted by amendment.)~~

Sec. 4. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 6. This act becomes effective on July 1, 2021.

Senator Seevers Gansert moved the adoption of the amendment.

Remarks by Senator Seevers Gansert.

Senate Amendment No. 850 to Assembly Bill No. 224 eliminates section 3.7, which directs the Legislative Commission to appoint a committee to conduct an interim study concerning access to menstrual products in middle schools, junior high and high schools and the effects of requiring 25 percent of certain public schools to provide menstrual products at no cost to pupils.

Amendment adopted.

Bill read third time.

Remarks by Senator Seevers Gansert.

Assembly Bill No. 224 requires 25 percent of certain public schools to provide menstrual products at no cost to pupils in women's restrooms at certain middle schools, junior high and high schools on or before January 1, 2022.

The bill requires the board of trustees of each school district and governing bodies of certain charter schools in the State to provide a report. The report will include information related to menstrual products, ensure that menstrual products are provided at no cost to pupils in the bathrooms of certain public schools and develop a plan to address access to menstrual products. This report on the plan is to be submitted to the Director of LCB for transmittal to the Legislature in each odd-numbered year.

One of my constituents brought the idea for this legislation forward, Samantha Glover, who is with us today. She is a junior at the Davidson Academy. She started her own nonprofit, Red Equity, to ensure women have menstrual products in middle and high schools. She has done an amazing job and has this in four states and Washington D.C.

Roll call on Assembly Bill No. 224:

YEAS—21.

NAYS—None.

Assembly Bill No. 224 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 486.

Bill read third time.

Remarks by Senator Ratti.

Assembly Bill No. 486 establishes procedures relating to claims for wrongful eviction and provides that a tenant who has defaulted in rental payments can claim, as an affirmative defense in a summary eviction proceeding, that the tenant has a pending application for rental assistance, and the landlord has refused to participate in the rental assistance application process or the landlord has refused to accept rental assistance provided on behalf of the tenant.

Additionally, the bill requires the court to stay the proceedings for eviction until the application for rental assistance is either granted or denied. The bill provides that if a landlord accepted rental assistance on behalf of a tenant who defaulted in rental payments and then proceeded to evict the tenant for any reason that existed during the period of default for which the landlord has been paid rental assistance, the court may impose a civil penalty and order the landlord to pay costs and attorney's fees.

Further, the bill requires an electronic form be completed by a landlord who wishes to obtain rental assistance on behalf of a tenant who has defaulted in rental payments of rent that an eligible landlord may receive rental assistance, without the application of the tenant, if the eligible landlord agrees to certain conditions. The bill provides that \$5 million of federal funding is authorized for rental assistance and be disbursed to eligible landlords on behalf of tenants for rental assistance. Finally, it provides for 100 percent of delinquent rent be compensated to the landlord.

I acknowledge Chair Yeager's hard work on this bill in the Assembly, as well as the Governor's Office, the Treasurer's Office and others.

Roll call on Assembly Bill No. 486:

YEAS—17.

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

Assembly Bill No. 486 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 29, 2021

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day appointed Assemblymen Yeager, Nguyen and Krasner as a Conference Committee concerning Assembly Bill No. 440.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

ASSEMBLY CHAMBER, Carson City, May 30, 2021

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day appointed Assemblymen Benitez-Thompson, Carlton and Matthews as a Conference Committee concerning Assembly Bill No. 368.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

Madam President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 1:08 p.m.

SENATE IN SESSION

At 1:20 p.m.

President Marshall presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Assembly Bills Nos. 220, 247, 256, 262, 357, 383, 411, 416, 432, 445, 489 be taken from their position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 220.

Bill read third time.

Remarks by Senator Neal.

Assembly Bill No. 220 requires each law enforcement agency to adopt a written policy establishing standards of conduct for the use of a mobile device issued by the law enforcement agency to any peace officer employed by the agency and set forth specific requirements relating to the policy.

Roll call on Assembly Bill No. 220:

YEAS—21.

NAYS—None.

Assembly Bill No. 220 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Madam President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 1:23 p.m.

SENATE IN SESSION

At 1:26 p.m.

President Marshall presiding.

Quorum present.

Assembly Bill No. 247.

Bill read third time.

Remarks by Senator Denis.

Assembly Bill No. 247 revises various provisions relating to the Western Regional Education Compact. The bill changes the name of the Office of the Western Regional Education Compact within the Office of the Governor to the Nevada Office of the Western Interstate Commission for Higher Education (WICHE). It revises provisions to require that any financial support provided to a WICHE participant be provided a stipend that the participant is not required to repay unless he or she does not meet certain requirements after graduation. It deletes certain provisions concerning interest rates, payback provisions and penalties. The bill requires that the three Nevada State Commissioners, acting jointly, adopt regulations governing these matters and makes various other administrative and conforming changes.

Roll call on Assembly Bill No. 247:

YEAS—21.

NAYS—None.

Assembly Bill No. 247 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 256.

Bill read third time.

Remarks by Senator Ratti.

Assembly Bill No. 256 requires a doula who desires to receive reimbursement through the Medicaid program for the provision of doula services to a Medicaid recipient to enroll with the Division of Health Care Financing and Policy of DHHS. A doula must show proof that he or she possesses the required training and qualifications prescribed by the Division. The bill also requires an enrolled doula to report any suspected abuse, neglect, exploitation, isolation or abandonment of older or vulnerable persons or the suspected abuse or neglect of a child.

The Department must apply for a waiver of federal Medicaid requirements or request to amend the State Plan to receive federal funding to provide coverage of doula services. The Director of the Department must include in the State Plan of Medicaid a requirement that the State pay certain costs for doula services provided to Medicaid recipients to the extent authorized by federal law.

Roll call on Assembly Bill No. 256:

YEAS—21.

NAYS—None.

Assembly Bill No. 256 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 262.

Bill read third time.

Remarks by Senator Buck.

Assembly Bill No. 262 requires the Board of Regents to grant a waiver of registration fees, laboratory fees and other mandatory fees assessed against students who meet certain conditions. These conditions include students who are members of a federally recognized Indian tribe or nation or who is a certified descendent of an enrolled member of the tribe or nation all or part of which is located within the boundaries of this State. Furthermore, Assembly Bill No. 262 requires the Board of Regents to submit a report each year to the Legislature concerning the number of eligible students and the funding available for such a waiver.

Roll call on Assembly Bill No. 262:

YEAS—21.

NAYS—None.

Assembly Bill No. 262 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 357.

Bill read third time.

Remarks by Senator Dondero Loop.

Assembly Bill No. 357 creates the Consumer Protection Legal Account in the Office of the Attorney General and the Consumer Protection Administrative Account in the Bureau of Consumer Protection in the Office of the Attorney General. The bill allocates certain percentages of money in the Consumer Protection Legal Account to legal aid organizations for consumer protection and efforts to prevent fraud. It requires the deposit of certain money from settlements and litigation into the Consumer Protection Administrative Account and provides that any balance of more than \$500,000 at the end of a fiscal year, at the end of the calendar year and at any other time in the discretion of the consumer's advocate reverts to the Consumer Protection Legal Account.

Finally, the bill reallocates money collected in certain actions brought by the Attorney General involving deceptive or unfair trade practices that must be deposited in the Consumer Protection Administrative Account rather than the State General Fund or the Attorney General's Special Fund.

Roll call on Assembly Bill No. 357:

YEAS—21.

NAYS—None.

Assembly Bill No. 357 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 383.

Bill read third time.

Remarks by Senators Spearman and Pickard.**SENATOR SPEARMAN:**

Assembly Bill No. 383 sets minimum standards of energy-efficiency appliances and requires the Director of the Office of Energy within the Office of the Governor to adopt regulations that meet or exceed those minimum standards. The measure prohibits the sale, lease, rental or installation of a new appliance that does not meet these efficiency standards after certain dates and excludes certain appliances from these requirements. Implementation of the standards and any subsequent changes shall not take effect for a minimum of 365 days after adoption.

Prior to making an appliance available for lease, rent or sale, a manufacturer must submit to the Director a certification that the appliance complies with the adopted minimum standard and

includes a label identifying the appliance as certified. Assembly Bill No. 383 authorizes the Director to adopt efficiency standards for appliances not listed in the bill and provides findings be made and allow up to a one-year delay in implementation of a standard if it imposes an unreasonable burden upon consumers. The Director may also adopt regulations to facilitate the deployment of flexible-demand technology.

The bill authorizes the Director to investigate complaints of violations, and the Attorney General is authorized to file a civil action seeking civil penalties. A warning must be issued for the first offense. The measure exempts the requirements of this bill that appliances manufactured or sold wholesale in this State for final retail sale outside of this State. Appliances installed in mobile homes or manufactured homes at the time of construction and those appliances designed expressly for use in recreational vehicles are exempt.

SENATOR PICKARD:

I voted this out of Committee with reservations. While I support the idea of increasing efficiency, particularly in commercial equipment, I was not sure I had enough information. Not only is the Energy Star program well-known and successful throughout the Country, they have a good track record of moving the bar up. For instance, all of our refrigerator components are made in China, so we do not have much control. Limiting what we allow to be sold in the states will ultimately harm the supply chain. This bill moves it to a voluntary program to one which can be enforced by civil penalties, yet there are no enforcement mechanisms by the Governor's Office of Energy to do that. They turn it over to the Attorney General's Office, who should be working on more important things.

After looking at what we are trying to accomplish here, Assembly Bill No. 383 is not going to do it. This is bad policy and will hurt the supply chain and those who are trying to sell products in the State of Nevada.

Roll call on Assembly Bill No. 383:

YEAS—12.

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

Assembly Bill No. 383 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 411.

Bill read third time.

Remarks by Senator Donate.

Assembly Bill No. 411 requires that regulations adopted by the State Board of Agriculture of the State Department of Agriculture allow the sale of motor-vehicle fuel containing not more than 15-percent ethanol by volume.

Roll call on Assembly Bill No. 411:

YEAS—21.

NAYS—None.

Assembly Bill No. 411 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 416.

Bill read third time.

Remarks by Senators Dondero Loop, Hansen and Pickard.

SENATOR DONDERO LOOP:

Assembly Bill No. 416 requires the Legislative Auditor to conduct a performance audit during the 2021-2023 Biennium on NSHE for Fiscal Years 2019-2022. It makes an appropriation of \$80,250 in Fiscal Year 2022 and \$128,750 in Fiscal Year 2023 from the General Fund for purposes of carrying out the act.

SENATOR HANSEN:

I support Assembly Bill No. 416. In the 79th Session, I proposed a similar bill, which the Governor blocked. We do not know how much money we spend or how NSHE spends it. This bill will allow future Legislators to get a good picture of how that financial package is spent. I encourage everyone's support.

SENATOR PICKARD:

I support Assembly Bill No. 416 and echo the Senator from District 14's comments. I wish we could extend it to our K-12 school districts as we have no clue how most of their money is spent. I support this measure and urge its passage.

Roll call on Assembly Bill No. 416:

YEAS—21.

NAYS—None.

Assembly Bill No. 416 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 432.

Bill read third time.

Remarks by Senators Cannizzaro, Settlemeyer and Seevers Gansert.

SENATOR CANNIZZARO:

Assembly Bill No. 432 expands automatic voter-registration requirements to certain Executive Branch agencies. The measure specifies that these agencies include DMV, DHHS, any agencies within DHHS processing applications for Medicaid, the Silver State Health Insurance Exchange and any other State or tribal agency meeting certain requirements and as approved by the Governor. If an application does not provide sufficient information to determine that the person is qualified to vote, the agency is prohibited from using the system to transmit the application, although the person may still ask to apply.

The Secretary of State, county clerks and agencies designated as automatic voter-registration agencies are required to cooperate in the process of establishing an electronic-transmittal system for the voter-registration information. The bill sets forth the information to be collected by the automatic voter-registration system for transmittal using the system. Further, the measure establishes the actions that must be taken by the county clerk to process the information, including steps to contact the applicant if the information is incomplete. If the county clerk determines the applicant is an eligible voter, the bill requires the person be deemed a registered voter, and the county clerk is required to send certain information to the individual. County clerks are prohibited from rejecting a voter-registration application from an agency solely because it does not contain the applicant's signature. The bill sets forth the process for obtaining the person's signature. Automatic voter-registration agencies must comply with the National Voter Registration Act.

The bill includes General Fund appropriations of \$48,233 to DMV for automatic voter-registration programming hours, General Fund appropriations of \$736,391 in Fiscal Year 2022 and \$346,439 in Fiscal Year 2023 to the Secretary of State for two new positions and contract personnel for the implementation and maintenance of the automatic voter-registration system.

SENATOR SETTELMAYER:

I appreciate the concept of getting everyone registered to vote. We have now done that at the DMV, but there were serious concerns about the fact we now have a bottom-up system versus a

top-down system. There was discussion about delaying this to allow acquisition of the new computer system in the Secretary of State's office to facilitate it. Many of the local governments have indicated this is an unfunded mandate that is problematic. I have concerns with allowing the Governor to be the one who designates which additional State or tribal agencies will be participating. That should be a decision made by more than one person. I oppose Assembly Bill No. 432.

SENATOR SEEVERS GANSERT:

Part of the issue with the bill is that we do not have a top-down system, and the implementation date is further out. There is a \$5-million fiscal bill from the Silver State Health Exchange starting next biennium. We are passing legislation we know will have a huge impact. Since it does not have a fiscal impact now, we are giving it a pass rather than analyzing how we can get people appropriately registered and have the funds to do it.

Roll call on Assembly Bill No. 432:

YEAS—12.

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

Assembly Bill No. 432 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 445.

Bill read third time.

Remarks by Senator Kieckhefer.

Assembly Bill No. 445 does several things. It extends an existing grant, matching pilot program until June 30, 2022. It creates the Nevada Grant Matching Program that would serve the same purpose as the Grant Matching Fund pilot program effective July 1, 2022, with an annual transfer of \$1 million from the Abandoned Property Trust Account, or Unclaimed Property, that currently goes to the General Fund. It transfers the Office of Grant Procurement, Coordination and Management from the Department of Administration to the Governor's Office on July 1, 2022. It renames the Office as the Office of Federal Assistance and requires the Director to develop a State Plan for Maximizing Federal Assistance. The bill expands the membership of the Nevada Advisory Council on Federal Assistance.

Assembly Bill No. 445 also includes General Fund appropriations of \$89,537 in Fiscal Year 2022 and \$115,772 in Fiscal Year 2023 to the Office of the Controller for personnel to assist with the Single Audit and the CMIA report completion as the State brings in additional federal funding and \$279,979 in Fiscal Year 2022 to the Office of Grant Procurement, Coordination and Management and \$1,091,010 in Fiscal Year 2023 to the Office of Federal Assistance for personnel, operating and grants management-system costs.

Roll call on Assembly Bill No. 445:

YEAS—21.

NAYS—None.

Assembly Bill No. 445 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 489.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 489 appropriates \$11.4 million in General Funds to the Legislative Fund for capital improvement projects. Additionally, Assembly Bill No. 489 appropriates \$4.6 million in

General Funds to the Legislative Fund for computer hardware, legislative voting-system modernization, facility security-system upgrade, broadcast-infrastructure upgrade, one-time building maintenance and payment of dues to national organizations. It has been over 25 years since the last major retrofit to this building, and it needs some help.

Roll call on Assembly Bill No. 489:

YEAS—21.

NAYS—None.

Assembly Bill No. 489 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senator Cannizzaro moved that Senate Bill No. 463; Assembly Bills Nos. 65, 156, 165, 219, 225, 230, 241, 266, 270, 280, 315, 319, 321, 341, 349, 355, 358, 363, 371, 376, 387, 427, 441, 443, 492 be taken from the General File and placed at the top of the General File on the next Agenda.

Motion carried.

REMARKS FROM THE FLOOR

Senator Cannizzaro requested the following remarks be entered in the Journal.

SENATOR PICKARD:

I am excited to see all of our Front Desk staff, here, today with us. I think it is the first time all Session they have been here, and I just wanted to put that on the record. It is great to have you all in the room.

SENATOR CANNIZZARO:

I would like to express what is not only sincere gratitude but also a tremendous amount of respect to honor someone who is the sole reason this Body is able to run the way it runs. This is someone who I am not sure how we will function without, and I mean that literally. This is someone I have enjoyed working with and whom we will miss immensely. The Senate will not be the same without her. I would like to honor and acknowledge the great work of our Secretary of the Senate, Claire Clift.

Over the past week, we have recognized the dedication and work of our elected colleagues during our Senate Hall of Fame induction ceremony last Monday. Yesterday, we recognized the wonderful service of our term-limited Senators as well. Now, however, is the time we want to recognize a person who, much to our sadness, but perhaps to her joy, will be retiring in the coming months and will have plenty of time to renovate and travel across the United States. I hope you enjoy the whole trip.

After decades of dedicated service to the Nevada State Senate, our talented and unflappable Secretary of the Senate, Claire Clift, will be closing out a lengthy and exceptional career. Claire has deep family roots in northern Nevada and continues a long, family tradition of public service. Born in Reno and primarily raised in Carson City, she attended St. Teresa of Avila Catholic School and graduated from Carson High School. With dreams of becoming a farmer, she studied agriculture at Western Nevada Community College and the University of Nevada, Reno, but, with no farmland to cultivate, Claire, instead, cultivated her love of the outdoors while working several years for the U.S. Forest Service on the Salmon National Forest in central Idaho. She eventually made her way back to Carson City where she was hired as Committee Secretary for the Senate Committee on Natural Resources for both the 64th and 65th Legislative Sessions.

She and her husband, Jim, then left for the Pacific Northwest to live in his hometown near Spokane, Washington. After eight years, she longed for the sunny and drier climate of home, and they returned to Carson City just in time to serve as the Senate's brand-new Media Clerk before the 69th Legislative Session. In this role, she served as the Senate's liaison for information systems

and helped develop new-and-improved computer programs in the newly renovated Legislative Building. Upon the retirement of the former Secretary of the Senate, Jan Thomas, in early 2000, Claire was appointed as the new Secretary of the Senate.

It is no surprise Claire so capably serves the State of Nevada and the Nevada Legislature. Public service is second nature to her; it is in her blood. Claire's father was a well-respected educator and coach. Her mother was a long-time Carson City theatre-and-arts activist, columnist and State employee. With northern Nevada roots dating back to the 1850s, her family was among the earliest settlers in the area. Her great-great grandfather, Daniel Clark Simpson, became a rancher in Wellington and later served in the Nevada Legislature representing Eureka County. Another great-great grandfather, William Harris, was a miner in the Dayton area and helped build the famous Sutro Tunnel. Claire's grandfather, Hugo Quilici, served as the Mayor of Reno in the 1960s, and her great-uncle, Forest Lovelock, served in the State Senate. Her Uncle Coe Swobe, was a long-term Assemblyman and State Senator and is represented in the Senate Hall of Fame.

Claire's ascension to Secretary of the Senate, an elected position, continues this long tradition of family service in the Nevada Legislature. She is nationally recognized and one of the most astute Secretaries of the Senate I have met, as well as the best parliamentarian we will ever see. She has served for over a decade on both the 2010 and 2020 Mason's Manual Commission. She is actively involved in the American Society of Legislative Clerks and Secretaries, which has included serving on its Executive Committee, the Program Development Committee, the International Communication and Development Committee and serving as Chair of the ASLCS Bylaws and Standing Orders Committee. Claire's knowledge of the legislative process is unmatched. Claire oversees the activities of the Senate and operations of the Front Desk with poise, professionalism and confidence. She is known for running a tight ship and is well-respected by all who know and work with her. When we arrive here in the Senate on the first Monday in February, sometimes fresh off grueling political campaigns and frantic presession bill negotiations, Claire has everything in order and knows exactly what to say. She makes us all feel comfortable. She has a fully-trained team of Legislative Assistants, Committee Managers, Secretaries, Proofreaders, Sergeants at Arms and Front Desk staff ready to hit the ground running on the first day of Session. She has tremendous reverence for the institution of the Nevada Senate and its traditions. She is well-respected and a compassionate leader with a quick wit, great sense of humor and kind smile.

Claire, as you embark on your next journey, please know your influence on all of us as Legislators, your wonderful staff and the Nevada Legislature will always be remembered. Please join me in celebrating Claire's many personal and professional accomplishments and in expressing our heartfelt appreciation for her faithful service and tireless efforts on behalf of the Nevada Legislature. Without you, we would not know how or be able to do our jobs. We are better for having known you. We wish you and your family the best in all of your future endeavors. Thank you so much for your dedicated service to the State of Nevada.

SENATOR SETTELMAYER:

I know Claire does not care for much attention, but it would be wrong not to describe what we are about to lose. I had the misfortune of not having you around for a Session, which was a detriment to the entire institution. You have brought a level of decorum to this institution along with dignity and respect. You cannot underestimate how much help you provide. When you call me to your office, I jokingly refer to it as being called to the "principal's office" because, in many respects, I feel that way. If I am called in, something has clearly gone awry. Your grasp of *Mason's* is unbelievable. Thank you for guiding and correcting us. Thank you to everyone on the Front Desk staff for helping us do our jobs, for making us look good and helping the State survive.

SENATOR HARRIS:

I am clear about not knowing if I can serve the Senate without Claire Clift. She keeps this ship sailing. When I tell people that, as a State Senator, I have one boss, those who are not knowledgeable think it is the Majority Leader, and those who are in the know understand I am referring to Claire Clift. We are all better off for it. Thank you for your service. I do not envy the poor soul who will try to fill your shoes. I am a better Legislator for having been trained and raised under your wings. Thank you. I wish you the best of luck.

SENATOR SCHEIBLE:

As the Majority Leader was giving her remarks, I first learned that Claire Clift came to the Legislature as a Committee Secretary for the Natural Resources Committee. We also learned that Senator David Parks chaired the Natural Resources Committee. I am sure all the great leaders in the Nevada Senate start in Natural Resources, and Claire is no exception. Like many of my colleagues, I have not known the Senate without Claire Clift. I do not want to come back without Claire, but I am willing to do it because I think Claire is telling me to do it. Her wisdom exceeds mine and her judgment is unmatched and impeccable. If she says it is time to go, we will be okay without her. You will be dearly missed not only because you keep the Senate running but also because you are such a warm and welcoming presence in this building. You are always there when we need you. You answer our calls at all hours of the day and night and provide answers to some interesting questions. We will miss that, and we will miss you. Thank you.

SENATOR DENIS:

I agree with all of the words that have been said. We are going to miss you, Claire. I have been a student of parliamentary procedure for many years starting from when I worked with PTA. To have someone who has the knowledge that we are running things properly is important, and you have done a great job there. As the Senate President pro Tempore, you have kept me doing what I need to do. I have to step in sometimes quickly and do not get a lot of time to prepare. Everything you have done to help me look good when I have to function in that position is appreciated. I am excited for you. I know you have looked forward to retirement. I am excited to hear the great things you are going to be doing. We are going to miss you. Thank you for all of the work you have done.

SENATOR OHRENSCHALL:

It has been great getting to work with you these last two Sessions. It is impressive how much you care about the decorum and dignity of this Body as well as trying to make sure we are efficient and get our work done. I know it is not easy, especially when you get new people like me coming in who are not so good on parliamentary procedure. That will be missed. I wish you a lot of happiness and hope you reconsider.

SENATOR DONDERO LOOP:

I knew of Ms. Clift before I knew Ms. Clift. My sister-in-law worked with her in the building. I always knew your expertise, your professionalism, your thoroughness and urgency, but calmness preceded me knowing you. I know now all of those things were spot-on. That includes the friendship you have shown all of us while leading the way. I want you to know you look great considering all of the occasional heart attacks I know you probably have had because of all of us. You will be missed, but our sadness will yield to your happiness. I am with my colleagues; we do not concur.

SENATOR NEAL:

When I found out you were leaving, I was super sad because I think sometimes God sets you up in situations where you transition into familiar territory. When you called me after I first won and talked about your relationship to my father who served while you were here, it gave me comfort to be able to walk into a building where there was familiarity. You extended yourself to me. I am surprised to find out you are leaving as I am arriving. I have had an interesting Session. I am hoping I can still reach out to you and talk about *Mason's Manual* because you were my lifeline to that. Thank you for welcoming me and being a part of my life and calling me early on to welcome me as a Senator. When you first called me that title, I do not think I was ready for it. Thank you.

SENATOR RATTI:

It is a heartfelt thank you. Last Session, I was dropped into a role that is all about details and rules, and this is not necessarily my strongest suit. I could not have done it without Claire Clift and her enormous patience, regular check-ins and the willingness to say when we are off base or to say "no" when something was not right, but to say it in a gentle way that helps us continue to move forward. There is no question that you have been a tremendous asset to the Senate and the

State of Nevada. We have gotten a lot done because of you. I hope you saw a little improvement over the last two Sessions. Thank you.

SENATOR KIECKHEFER:

We talk a lot about institutional knowledge in this building and the effect of term limits and the loss of institutional knowledge we have seen in recent years. Claire, you are the institution. Your continued focus on the history of this Chamber, the respect you show it and show us, whether we deserve it or not, is what it is all about. I have always felt you treated me with the amount of respect that was due, whether I was in the majority or the minority. That says a lot about your respect for the institution. If we can keep that going, we will be fine. You have led by example on that front, and I thank you for it.

SENATOR SPEARMAN:

I did not have a long time to work with Claire and did not know that much about your background. I thought since you run such a tight ship, it was a drill sergeant who trained you. I am going to miss you. Thank you so much for how you have helped me along. In your retirement, I hope you have fond memories of this place. You may even have some fertilizer, so if you find that land, you may be able to use that agricultural degree.

SENATOR SEEVERS GANSERT:

I, too, want to thank Claire Clift. When I think of the work you do, you are steady; you are disciplined; you are thoughtful; you are kind, and you have done an amazing job of selecting Legislative Assistants for me every Session. I appreciate all of the work you have done to ensure this every Session. I also appreciate that all of us stood and applauded for you until we knew you were uncomfortable. We want you to know how much we appreciate you. It was not a little applause just for anyone; it was because of all of the work you have done and how meaningful it has been. You treat us with respect and make sure we follow decorum. We cannot say enough about you. We appreciate you as a leader and as a person in the way you do your job and help all of us. Thank you.

SENATOR HAMMOND:

Claire, Claire, Claire-bear, what can I say? I often tell people life is made up of many moments. It is a string of moments you try to remember and capture in your own mind so, in that way, you can recall them and remember them when you need them. I was there in the room when the decision was made to bring you back, and here I am in the room when you are leaving us. Along the way, we have had many good moments. I knew, and was told, that you are a person who likes structure, rules, parliamentary all the way. I am a person who likes to follow rules. I like structure, and I am going to obey everything you ever say. I do not often like to joke, but when I do, I like to make sure you are laughing for two reasons: first, I like to see that smile, and second, I want to make sure you are not upset with me. We have had some good memories. I have startled you a few times, and we have coordinated our wardrobes from day to day. I am going to miss you. I appreciate you, who you are, and this is a memory I will put away for later on. Thank you.

SENATOR PICKARD:

I have little to add that has not been said already. I appreciate your stalwart nature to your role, particularly as it relates to your evident respect for this institution, no matter who is sitting in these chairs. I wish I could repeat everything that has been said because I agree with all of it. You have been an immense help to us personally and as an institution. I wish I were not so emotional naturally, but it speaks to how we all feel about you as a person and how much you mean to all of us. Thank you for your service.

SENATOR HARDY:

Claire, I appreciate the adroit personal and professional demeanor you have and the distinction you have in my life of having directed me more in public than my wife. Thanks for ringing the bell, I got away with it once, and calling us to put aside our differences and animosities and to use our own professional behaviors and attitudes. May God bless you. I hope you enjoy Laughlin.

PRESIDENT MARSHALL:

It is obvious that, if we, as a Body think we need to be a higher version of ourselves, we have to channel our inner Claire Clift. You are pretty amazing.

SECRETARY OF THE SENATE, CLAIRE CLIFT:

Thank you all so much. Thank you for the privilege and the honor to serve with you. It has been the highlight of my professional career, but also a highlight of my personal experiences being, here, with all of you. This is a good Chamber of Senators. I feel blessed to be here in my last Session with all of you. I feel an immense respect from you not only to me but also to the Senate, which I so very much appreciate. I could not have done this without the wonderful staff we have had throughout the years. You may have learned from me, but I have learned so much from you as well. I am moving forward onto a new adventure and understand you all will be enjoying a new adventure yourselves, after not only Session but also when you come back to the next Session with someone who is fully capable of guiding you in the future. I hope I have left you and the Senate with a good foundation moving forward to succeed. I appreciate this honor, and I am going to miss all of you.

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

Motion carried.

Senate in recess at 2:16 p.m.

SENATE IN SESSION

At 5:37 p.m.

President Marshall presiding.

Quorum present.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Finance, to which was re-referred Assembly Bill No. 393, 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*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 31, 2021

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bill No. 297.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bill No. 495.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 5, Amendment No. 608; Senate Bill No. 147, Amendment No. 837; Senate Bill No. 194, Amendment No. 828; Senate Bill No. 292, Amendment No. 857; Senate Bill No. 353, Amendment No. 827; Senate Bill No. 460, Amendment No. 860, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to recede from its action on Senate Bill No. 369, Assembly Amendments Nos. 652, 676, and requests a conference, and appointed Assemblymen Yeager, Nguyen and Kasama as a Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted the report of the Conference Committee concerning Assembly Bill No. 440.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that, for the remainder of the 81st Legislative Session, all necessary rules be suspended, and that all Assembly bills and resolutions that have been passed or adopted by the Senate be immediately transmitted to the Assembly.

Motion carried.

Senator Cannizzaro moved that Senate Bill No. 463; Assembly Bills Nos. 219, 241, 280, 349, 387, 441, 492 be taken from their position on the General File and placed at the bottom of the General File.

Motion carried.

Senator Cannizzaro moved that Assembly Bill No. 321 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 495.

Senator Cannizzaro moved that all necessary rules be suspended, reading so far had considered first reading, rules further suspended, and that the bill be declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Senator Cannizzaro.

Assembly Bill No. 495 relates to various pieces regarding the taxation of mines and other educational funding pieces. This is something we need to consider and move along as we are nearing the end of this Legislative Session.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 321.

Bill read third time.

The following amendment was proposed by Senator Settelmeyer:

Amendment No. 829.

SUMMARY—Revises provisions relating to elections. (BDR 24-927)

AN ACT relating to elections; establishing procedures for the use of mail ballots in every election; establishing various requirements relating to mail ballots; revising the requirements for signature verification of mail ballots; revising the deadline to submit a request for the establishment of a polling place within an Indian reservation or Indian colony for an election; revising the personal data that may be requested if a voter's signature is challenged at the polls; requiring the Secretary of State to enter into a cooperative agreement with the State Registrar of Vital Statistics to obtain certain information relating to the statewide voter registration list; prohibiting certain constitutional officers from soliciting or accepting political contributions during certain periods; authorizing a county clerk, city clerk or registrar of voters and deputies thereof charged with powers and duties relating to elections to request certain personal information be maintained in a confidential manner; repealing

provisions related to absent ballots, mailing ballots and affected elections; providing a penalty; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a registered voter to request an absent ballot to vote at an election and sets forth various requirements and procedures to be used for voting and processing absent ballots. (NRS 293.3088-293.340, 293C.304-293C.340) Existing law also provides that a county or city clerk may designate certain election precincts as mailing precincts or absent ballot mailing precincts and all registered voters who live in such an election precinct are mailed a mailing ballot and may vote by mailing ballot. (NRS 293.343-293.355, 293C.342-293C.352) Existing law further provides that for elections that are affected by certain emergencies or disasters, the county and city clerks are required to mail each registered voter a mail ballot and sets forth requirements and procedures to be used for mail ballots. (NRS 293.8801-293.8887) Section 91 of this bill repeals the existing provisions for absent ballots, mailing ballots and mail ballots. Sections 2, 3-17 and 51-63 of this bill: (1) require the county and city clerks to send each active registered voter and each person who registers to vote or updates his or her voter registration information not later than 14 days before an election a mail ballot for all elections; and (2) reenact, with certain changes, various requirements relating to the preparation and distribution of mail ballots and procedures for voting, returning, verifying and counting mail ballots. Sections 18-24, 30-33, 35-45, 47-49, 66-69, 72, 73, 76-79 and 81-86 of this bill make conforming changes to revise references to absent ballots, mailing ballots and mail ballots for affected elections.

Sections 3 and 51 of this bill provide that a voter may elect not to receive a mail ballot by submitting a written notice to the county or city clerk which must be received by the county or city clerk, as applicable, not later than 60 days before the day of the election.

Sections 2.2 and 2.4 of this bill require the county clerk to establish a minimum number of polling places for primary elections and general elections in the county for early voting by personal appearance and polling places for voting on the day of the election based on the population of the county.

Existing law provides that an absent ballot or mail ballot that is mailed to the county or city clerk must be postmarked on or before the day of the election and received by 5 p.m. on the seventh day following the election. (NRS 293.317, 293.8861, 293C.319) Sections 8 and 56 of this bill revise this deadline to instead require a mail ballot that is mailed to the county or city clerk to be received by 5 p.m. on the fourth day following an election. Sections 8 and 56 also require the county and city clerk to establish ballot drop boxes at every polling location in the county or city, as applicable. Section 45 of this bill makes it a category E felony for a person other than a county clerk or city clerk to establish a ballot drop box.

Existing law establishes a process for county and city clerks to verify signatures on absent ballots, mailing ballots and mail ballots. (NRS 293.325, 293.355, 293.8874, 293C.325, 293C.352) Sections 11 and 59 of this bill authorize the county and city clerks to review the signature of a voter manually or by electronic means and establish requirements for an electronic device to verify the signature of a voter.

Sections 16 and 64 of this bill require each county clerk and city clerk and all members of their staff whose duties include administering an election to complete a class on forensic signature verification that is approved by the Secretary of State at least once each year. Sections 17 and 65 of this bill provide that if a county or city clerk uses an electronic device to verify signatures on mail ballots, the clerk must: (1) conduct a test of the accuracy of every electronic device before the election; (2) perform daily audits of the electronic device during the processing of ballots for the election; and (3) prepare an audit report. Sections 34 and 80 of this bill require the audit reports to be deposited in the vaults of the county or city with other election materials.

Existing law allows a voter who has failed to affix his or her signature on an absent, mailing or mail ballot or for whom there is a reasonable question of fact as to whether the signature used for the absent, mailing or mail ballot matches the signature of the voter to provide a signature or confirmation not later than 5 p.m. on the seventh day following an election or the ninth day following an affected election. (NRS 293.325, 293.355, 293.8874, 293C.325, 293C.352) Sections 11 and 59 revise this deadline to require a voter to provide a signature or confirmation by the sixth day following an election. Sections 11 and 59 also establish methods by which the county or city clerk may verify the identity of a voter for whom there is a reasonable question of fact as to whether the signature used on his or her mailing ballot matches the voter's signature.

Existing law requires certain persons who register to vote to show certain proof of identity and residency the first time voting in an election for federal office in this State. A person who registers to vote at the Department of Motor Vehicles using the process commonly known as the Automatic Voter Registration System is not required to show proof of identity or residency the first time voting in an election for federal office in this State if the person presented to the Department of Motor Vehicles certain proof of identity and residency. (NRS 293.2725, 293.5742) Section 25 of this bill makes a technical change to clarify that a person who registers to vote at the Department of Motor Vehicles using the Automatic Voter Registration System is not required to show proof of identity or residency the first time voting in an election for federal office in this State if the person presented to the Department of Motor Vehicles certain proof of identity and residency.

Existing law authorizes an Indian tribe to submit a request for the establishment of a polling place within the boundaries of an Indian reservation or Indian colony, which must be submitted by the first Friday in January for a primary election and the first Friday in July for a general election. (NRS 293.2733, 293.3572, 293C.2675, 293C.3572) Sections 26, 28, 70 and 74

of this bill revise the deadline for the request for the establishment of a polling place within the boundaries of an Indian reservation or Indian colony for early voting and the day of a primary election or general election to March 1 for a primary election and August 1 for a general election. Sections 26 and 70 also authorize an Indian tribe to submit a request for the establishment of a ballot drop box within the boundaries of an Indian reservation or Indian colony by the same deadlines.

Existing law provides that if the signature of a voter who appears to vote in person at the polls does not match the voter's signature on file, the voter must be identified by answering questions covering the personal data reported on an application to register to vote or providing other personal data. (NRS 293.285, 293.3585, 293C.275, 293C.3585) Sections 27, 29, 71 and 75 of this bill provide that the questions covering the personal data of a voter may include the voter's date of birth.

Existing law authorizes a person to register to vote through the Thursday preceding the day of the election by submitting an application to register to vote by computer using the system established by the Secretary of State before the person appears at a polling place to vote in person using a provisional ballot. (NRS 293.560, 293.5837, 293C.527) Sections 42.5, 43 and 80.5 of this bill extend this deadline to allow a person to register to vote using this method through the day of the election.

Existing law requires the Secretary of State to establish and maintain the statewide voter registration list. (NRS 293.675) Section 44 of this bill requires the Secretary of State to enter into a cooperative agreement with the State Registrar of Vital Statistics to match information in the statewide voter registration list with the records from the State Registrar of Vital Statistics concerning the death of residents of the State to maintain the statewide voter registration list.

Existing law authorizes certain persons to obtain a court order to require a county assessor, county recorder, county clerk, city clerk or Secretary of State to maintain the personal information of the person contained in their records in a confidential manner. (NRS 247.530, 247.540, 250.130, 250.140, 293.908) Sections 46, 87 and 88 of this bill authorize a county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by the county or city clerk or registrar of voters in the elections division to request a court order to require a county assessor, county recorder, county clerk, city clerk or the Secretary of State maintain the personal information of the person contained in their records in a confidential manner.

Existing law prohibits a member of the Legislature, the Lieutenant Governor, the Lieutenant Governor-Elect, the Governor and the Governor-Elect from soliciting or accepting any monetary contribution for any political purpose during a certain period before and after a legislative session. (NRS 294A.300) Section 84.5 of this bill prohibits the Secretary of State, the Secretary of State-Elect, the State Treasurer, the State Treasurer-Elect, the State Controller, the State Controller-Elect, the Attorney General and the

Attorney General-Elect from soliciting or accepting any monetary contribution for any political purpose during a certain period before and after a legislative session. Section 86.5 of this bill makes a conforming change to prohibit a lobbyist from making or committing or offering to make a monetary contribution during such periods.

Existing law authorizes certain persons to request that the Department of Motor Vehicles display an alternate address on the person's driver's license, commercial driver's license or identification card. (NRS 481.091) Section 89 of this bill authorizes a county clerk, city clerk, registrar of voters charged with powers and duties related to elections and any deputy in the elections division of the county or city to also request that the Department display an alternate address on the person's driver's license, commercial driver's license or identification card.

Section 89.5 of this bill makes an appropriation to the Office of the Secretary of State for the costs of ballot stock, postage and postcard notifications to carry out the provisions of this bill.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this act.

Sec. 2. *"Mail ballot" means a mail ballot distributed to an active registered voter pursuant to the provisions of sections 3 to 15, inclusive, of this act and sections 51 to 65, inclusive, of this act.*

Sec. 2.2. *For a primary election or general election, the county clerk must establish:*

1. *In a county whose population is 700,000 or more, at least 25 polling places for early voting by personal appearance, which may be any combination of temporary or permanent polling places for early voting.*

2. *In a county whose population is 100,000 or more but less than 700,000, at least 15 polling places for early voting by personal appearance, which may be any combination of temporary or permanent polling places for early voting.*

3. *In a county whose population is less than 100,000, at least 1 permanent polling place for early voting by personal appearance.*

Sec. 2.4. 1. *For a primary election or general election, the county clerk must establish:*

(a) *In a county whose population is 700,000 or more, at least 100 polling places where a person can vote in person on the day of the election.*

(b) *In a county whose population is 100,000 or more but less than 700,000, at least 25 polling places where a person can vote in person on the day of the election.*

(c) *In a county whose population is less than 100,000, at least 1 permanent polling place where a person can vote in person on the day of the election.*

2. *For the purposes of subsection 1, a polling place where a person can vote on the day of the election may include a vote center.*

Sec. 3. 1. *Except as otherwise provided in this section, the county clerk shall prepare and distribute to each active registered voter in the county and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The county clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the absent ballot in 12-point type to a person who is elderly or disabled.*

2. *The county clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the county clerk a written notice in the form prescribed by the county clerk which must be received by the county clerk not later than 60 days before the day of the election.*

3. *The county clerk shall not distribute a mail ballot to any person who:*

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or

(b) Elects not to receive a mail ballot pursuant to subsection 2.

4. *The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.*

5. *Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:*

(a) Each active registered voter who:

(1) Resides within the State, not later than 20 days before the election; and

(2) Except as otherwise provided in paragraph (c), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

6. *In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.*

7. *Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.*

Sec. 4. 1. *Except as otherwise provided in subsection 2, section 3 of this act and chapter 293D of NRS, the county clerk shall send to each active registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:*

(a) A mail ballot;

(b) A return envelope;

(c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and

(d) Instructions.

2. In sending a mail ballot to an active registered voter, the county clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.

3. The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Before sending a mail ballot to an active registered voter, the county clerk shall record:

(a) The date the mail ballot is issued;

(b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;

(c) The number of the mail ballot; and

(d) Any remarks the county clerk finds appropriate.

Sec. 5. 1. Except as otherwise provided in subsection 2, if a person applied by mail or computer to register to vote, or preregistered to vote by mail or computer and is subsequently deemed to be registered to vote, and the person has not previously voted in any election for federal office in this State, the county clerk must inform the person that he or she must include a copy of the information required in paragraph (b) of subsection 1 of NRS 293.2725 in the return envelope with the mail ballot.

2. The provisions of subsection 1 do not apply to a person who:

(a) Registers to vote by mail or computer, or preregisters to vote by mail or computer and is subsequently deemed to be registered to vote, and submits with his or her application to preregister or register to vote:

(1) A copy of a current and valid photo identification; or

(2) A copy of a current utility bill, bank statement, paycheck or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card;

(b) Registers to vote by mail or computer and submits with his or her application to register to vote a driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(c) Registers to vote pursuant to NRS 293.5732 to 293.5757, inclusive, and at that time presents to the Department of Motor Vehicles:

(1) A copy of a current and valid photo identification;

(2) A copy of a current utility bill, bank statement, paycheck or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card; or

(3) A driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(d) Is entitled to vote pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.;

(e) Is provided the right to vote otherwise than in person pursuant to the provisions of the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.; or

(f) Is entitled to vote otherwise than in person pursuant to the provisions of any other federal law.

3. If a person fails to provide the identification required pursuant to paragraph (b) of subsection 1 of NRS 293.2725 with his or her mail ballot:

(a) The mail ballot must be treated as a provisional ballot; and

(b) The county clerk must:

(1) Contact the person;

(2) Allow the person to provide the identification required before 5 p.m. on the sixth day following the election; and

(3) If the identification required pursuant to paragraph (b) of subsection 1 of NRS 293.2725 is provided, ensure the mail ballot is delivered to the appropriate mail ballot central counting board.

Sec. 6. 1. Except as otherwise provided in section 7 of this act and chapter 293D of NRS, in order to vote a mail ballot, the voter must, in accordance with the instructions:

(a) Mark and fold the mail ballot;

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

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

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

2. Except as otherwise provided in chapter 293D of NRS, voting must be only upon candidates whose names appear upon the mail ballot as prepared pursuant to section 3 of this act, and no person may write in the name of an additional candidate for any office.

3. If a mail ballot has been sent to a voter who applies to vote in person at a polling place, including, without limitation, a polling place for early voting, the voter must, in addition to complying with all other requirements for voting in person that are set forth in this chapter, surrender his or her mail ballot or sign an affirmation under penalty of perjury that the voter has not voted during the election. A person who receives a surrendered mail ballot shall mark it "Cancelled."

Sec. 7. 1. Except as otherwise provided in this section, a person shall not mark and sign a mail ballot on behalf of a voter or assist a voter to mark

and sign a mail ballot pursuant to the provisions of sections 3 to 15, inclusive, of this act.

2. At the direction of a voter who has a physical disability, is at least 65 years of age or is unable to read or write, a person may mark and sign a mail ballot on behalf of the voter or assist the voter to mark and sign a mail ballot pursuant to this section.

3. If a person marks and signs a mail ballot on behalf of a voter pursuant to this section, the person must indicate next to his or her signature that the mail ballot has been marked and signed on behalf of the voter.

4. If a person assists a voter to mark and sign a mail ballot pursuant to this section, the person or the voter must include on the return envelope his or her name, address and signature.

Sec. 8. 1. Except as otherwise provided in subsection 2 and chapter 293D of NRS, in order for a mail ballot to be counted for any election, the mail ballot must be:

(a) Before the time set for closing of the polls, delivered by hand to the county clerk, or any ballot drop box established in the county pursuant to this section; or

(b) Mailed to the county clerk, and:

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

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

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

3. Each county clerk must establish a ballot drop box at every polling place in the county, including, without limitation, a polling place for early voting. A county clerk may establish a ballot drop box at any other location in the county where mail ballots can be delivered by hand and collected during the period for early voting and on election day. No person other than a clerk may establish a drop box for mail ballots.

4. A ballot drop box must be:

(a) Constructed of metal or any other rigid material of sufficient strength and resistance to protect the security of the mail ballots; and

(b) Capable of securely receiving and holding the mail ballots and being locked.

5. A ballot drop box must be:

(a) Placed in an accessible and convenient location at the office of the county clerk or a polling place in the county; and

(b) Made available for use during the hours when the office of the county clerk, or the polling place, is open for business or voting, as applicable.

Sec. 9. 1. Except as otherwise provided in subsection 2, at the request of a voter whose mail ballot has been prepared by or on behalf of the voter, a person authorized by the voter may return the mail ballot on behalf of the voter

by mail or personal delivery to the county clerk, or any ballot drop box established in the county, pursuant to section 8 of this act.

2. Except for an election board officer in the course of the election board officer's official duties, a person shall not willfully:

(a) Impede, obstruct, prevent or interfere with the return of a voter's mail ballot;

(b) Deny a voter the right to return the voter's mail ballot; or

(c) If the person receives the voter's mail ballot and authorization to return the mail ballot on behalf of the voter by mail or personal delivery, fail to return the mail ballot, unless otherwise authorized by the voter, by mail or personal delivery:

(1) Before the end of the third day after the day of receipt, if the person receives the mail ballot from the voter four or more days before the day of the election; or

(2) Before the deadline established by the United States Postal Service for the mail ballot to be postmarked on the day of the election or before the polls close on the day of the election, as applicable to the type of delivery, if the person receives the mail ballot from the voter three or fewer days before the day of the election.

3. A person who violates any provision of subsection 2 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 10. 1. The county clerk shall establish procedures for the processing and counting of mail ballots.

2. The procedures established pursuant to subsection 1:

(a) May authorize mail ballots to be processed, verified and counted by computer or other electronic means; and

(b) Must not conflict with the provisions of sections 3 to 15, inclusive, of this act.

Sec. 11. 1. Except as otherwise provided in NRS 293D.200, when a mail ballot is returned by or on behalf of a voter to the county clerk, and a record of its return is made in the mail ballot record for the election, the clerk or an employee in the office of the clerk shall check the signature used for the mail ballot by electronic means pursuant to subsection 2 or manually pursuant to subsection 3.

2. To check the signature used for a mail ballot by electronic means:

(a) The electronic device must take a digital image of the signature used for the mail ballot and compare the digital image with the signatures of the voter from his or her application to register to vote or application to preregister to vote available in the records of the county clerk.

(b) If the electronic device does not match the signature of the voter, the signature shall be reviewed manually pursuant to the provisions of subsection 3.

3. To check the signature used for a mail ballot manually, the county clerk shall use the following procedure:

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

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

4. *For purposes of subsection 3:*

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

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

(1) *The signature used for the mail ballot is a variation of the signature of the voter caused by the substitution of initials for the first or middle name, the substitution of a different type of punctuation in the first, middle or last name, the use of a common nickname or the use of one last name for a person who has two last names and it does not otherwise differ in multiple, significant and obvious respects from the signatures of the voter available in the records of the clerk; or*

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

5. *Except as otherwise provided in subsection 6, if the clerk determines that the voter is entitled to cast the mail ballot, the clerk shall deposit the mail ballot in the proper ballot box or place the mail ballot, unopened, in a container that must be securely locked or under the control of the clerk at all times. The clerk shall deliver the mail ballots to the mail ballot central counting board to be processed and prepared for counting.*

6. *If the clerk determines when checking the signature used for the mail ballot that the voter failed to affix his or her signature or failed to affix it in the manner required by law for the mail ballot or that there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, but the voter is otherwise entitled to cast the mail ballot, the clerk shall contact the voter and advise the voter of the procedures to provide a signature or a confirmation that the signature used for the mail ballot belongs to the voter, as applicable. For the mail ballot to be counted, the voter must provide a signature or a confirmation, as applicable, not later than 5 p.m. on the sixth day following the election.*

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

- (a) Contact the voter;
- (b) Allow the voter to provide a signature or a confirmation that the signature used for the mail ballot belongs to the voter, as applicable; and
- (c) After a signature or a confirmation is provided, as applicable, ensure the mail ballot is delivered to the mail ballot central counting board.

8. If there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, the voter must be identified by:

- (a) Answering questions from the county clerk covering the personal data which is reported on the application to register to vote;
- (b) Providing the county clerk, orally or in writing, with other personal data which verifies the identity of the voter; or
- (c) Providing the county clerk with proof of identification as described in NRS 293.277 other than the voter registration card issued to the voter.

9. The procedures established pursuant to subsection 7 for contacting a voter must require the clerk to contact the voter, as soon as possible after receipt of the mail ballot, by:

- (a) Mail;
- (b) Telephone, if a telephone number for the voter is available in the records of the clerk; and
- (c) Electronic means, which may include, without limitation, electronic mail, if the voter has provided the clerk with sufficient information to contact the voter by such means.

Sec. 12. 1. The county clerk shall appoint a mail ballot central counting board for the election.

2. The clerk shall appoint and notify voters to act as election board officers for the mail ballot central counting board in such numbers as the clerk determines to be required by the volume of mail ballots required to be sent to each active registered voter in the county for the election. The voters appointed as election board officers for the mail ballot central counting board must not all be of the same political party. No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as such an election board officer.

3. The clerk's deputies who perform duties in connection with elections shall be deemed officers of the mail ballot central counting board.

4. The mail ballot central counting board is under the direction of the clerk.

Sec. 13. 1. The mail ballot central counting board may begin counting the received mail ballots 15 days before the day of the election. The board must complete the count of all mail ballots on or before the seventh day following the election. The counting procedure must be public.

2. If two or more mail ballots are found folded together to present the appearance of a single ballot, the mail ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The

envelope must be signed by an election board officer and placed in the container or ballot box after the count is completed.

Sec. 14. Except as otherwise provided in NRS 293D.200, each mail ballot central counting board shall process the mail ballots in the following manner:

1. The name of the voter, as shown on the return envelope, must be checked as if the voter were voting in person;

2. An election board officer shall indicate in the roster "Received" by the name of the voter;

3. If the board determines the voter is entitled to cast a mail ballot and all other processing steps have been completed, the return envelope must be opened and the mail ballot counted;

4. An election board officer shall indicate "Voted" by the name of the voter; and

5. When all mail ballots delivered to the board have been voted or rejected, except as otherwise provided in NRS 293D.200, the empty envelopes and the envelopes containing rejected mail ballots must be returned to the clerk. On all envelopes containing rejected mail ballots, the cause of rejection must be noted and the envelope signed by an election board officer.

Sec. 15. 1. The voting results of the mail ballot vote in each precinct must be certified and submitted to the county clerk, who shall have the results added to the votes of the precinct that were not cast by mail ballot. The returns of the mail ballot vote must be reported separately from the other votes that were not cast by mail ballot in the precinct unless reporting the returns separately would violate the secrecy of a voter's ballot.

2. The clerk shall develop a procedure to ensure that each mail ballot is kept secret.

3. No voting results of mail ballots may be released until all polling places are closed and all votes have been cast on the day of the election. Any person who disseminates to the public in any way information pertaining to the count of mail ballots before all polling places are closed and all votes have been cast on the day of the election is guilty of a misdemeanor.

Sec. 16. At least once each year, each county clerk and all members of his or her staff whose duties include administering an election must complete a training class on forensic signature verification that is approved by the Secretary of State.

Sec. 17. If a county clerk uses an electronic device in an election to verify signatures on mail ballots:

1. The county clerk must conduct a test of the accuracy of the electronic devices before the election. The test must be conducted in a manner that ensures the electronic device will use the same standards for determining the validity of a signature as would be used by a natural person verifying the signature pursuant to section 11 of this act.

2. The county clerk must perform daily audits of each electronic device during the processing of mail ballots for the election. The daily audit must include a review of a sample of at least 1 percent of the signatures verified

each day. The county clerk shall appoint election board officers who must not all be of the same political party to manually review the signatures. The county clerk must prepare a report of each daily audit.

Sec. 18. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS ~~[293.013]~~ 293.016 to 293.121, inclusive, *and section 2 of this act*, have the meanings ascribed to them in those sections.

Sec. 19. NRS 293.093 is hereby amended to read as follows:

293.093 "Regular votes" means the votes cast by registered voters, except votes cast by:

1. ~~[An absent]~~ A mail ballot;
2. A provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive;

or

3. A provisional ballot pursuant to NRS 293.5772 to 293.5887, inclusive.

Sec. 20. NRS 293.206 is hereby amended to read as follows:

293.206 1. On or before the last day in March of every even-numbered year, the county clerk shall provide the Secretary of State and the Director of the Legislative Counsel Bureau with a copy or electronic file of a map showing the boundaries of all election precincts in the county.

2. If the Secretary of State determines that the boundaries of an election precinct do not comply with the provisions of NRS 293.205, the Secretary of State must provide the county clerk with a written statement of noncompliance setting forth the reasons the precinct is not in compliance. Within 15 days after receiving the notice of noncompliance, the county clerk shall make any adjustments to the boundaries of the precinct which are required to bring the precinct into compliance with the provisions of NRS 293.205 and shall submit a corrected copy or electronic file of the precinct map to the Secretary of State and the Director of the Legislative Counsel Bureau.

3. If the initial or corrected election precinct map is not filed as required pursuant to this section or the county clerk fails to make the necessary changes to the boundaries of an election precinct pursuant to subsection 2, the Secretary of State may establish appropriate precinct boundaries in compliance with the provisions of NRS 293.205 to ~~[293.213]~~ 293.210, inclusive. If the Secretary of State revises the map pursuant to this subsection, the Secretary of State shall submit a copy or electronic file of the revised map to the Director of the Legislative Counsel Bureau and the appropriate county clerk.

4. As used in this section, "electronic file" includes, without limitation, an electronic data file of a geographic information system.

Sec. 21. NRS 293.217 is hereby amended to read as follows:

293.217 1. The county clerk of each county shall appoint and notify registered voters to act as election board officers for the various polling places in the county as provided in NRS 293.220 to ~~[293.243]~~ 293.227, inclusive, and ~~[293.384]~~ *section 12 of this act*. The registered voters appointed as election board officers for any polling place must not all be of the same political party. No candidate for nomination or election or a relative of the

candidate within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the county clerk, the sheriff shall:

(a) Appoint a deputy sheriff for each polling place in the county and for the central election board or the ~~absent~~ mail ballot central counting board; or

(b) Deputize as a deputy sheriff for the election an election board officer of each polling place in the county and for the central election board or the ~~absent~~ mail ballot central counting board. The deputized officer shall receive no additional compensation for services rendered as a deputy sheriff during the election for which the officer is deputized.

➡ Deputy sheriffs so appointed and deputized shall preserve order during hours of voting and attend closing of the polls.

2. The county clerk may appoint a trainee for the position of election board officer as set forth in NRS 293.2175.

Sec. 22. NRS 293.250 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The

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

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

7. A county clerk:

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

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

Sec. 23. NRS 293.2693 is hereby amended to read as follows:

293.2693 If a county or city uses paper ballots, including, without limitation, for ~~absent~~ mail ballots, ~~and ballots voted in a mailing precinct,~~ the county or city clerk shall provide a voter education program specific to the voting system used by the county or city. The voter education program must include, without limitation, information concerning the effect of overvoting and the procedures for correcting a vote on a ballot before it is cast and counted and for obtaining a replacement ballot.

Sec. 24. NRS 293.272 is hereby amended to read as follows:

293.272 1. Except as otherwise provided in subsection 2 and in NRS 293.2725 and 293.3083, a person who registered by mail or computer to vote shall, for the first election in which the person votes at which that registration is valid, vote in person unless he or she has previously voted in the county in which he or she is registered to vote.

2. The provisions of subsection 1 do not apply to a person who:

(a) ~~Is entitled to vote in the manner prescribed in NRS 293.343 to 293.355, inclusive;~~

~~—(b)—~~ Is entitled to vote ~~an absent ballot~~ otherwise than in person pursuant to federal law ~~[, NRS 293.316]~~ or chapter 293D of NRS;

~~{{(e)}}~~ (b) Is disabled;

~~{{(d)}}~~ (c) Is provided the right to vote otherwise than in person pursuant to the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.;

~~{{(e)}}~~ Submits or has previously submitted a written request for an absent ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath;

~~{{(f)}}~~ Requests an absent ballot in person at the office of the county clerk; or

~~{{(g)}}~~ (d) Is sent a mail ballot pursuant to the provisions of ~~[NRS 293.8847]~~ section 4 of this act and includes a copy of the information required pursuant to paragraph (b) of subsection 1 of NRS 293.2725 with his or her voted mail ballot, if required pursuant to ~~[NRS 293.8851]~~ section 5 of this act.

Sec. 25. NRS 293.2725 is hereby amended to read as follows:

293.2725 1. Except as otherwise provided in subsection 2, in NRS 293.3081, 293.3083 and 293.5772 to 293.5887, inclusive, and in federal law, a person who registers to vote by mail or computer , ~~for registers to vote pursuant to NRS 293.5742,~~ or a person who preregisters to vote by mail or computer and is subsequently deemed to be registered to vote, and who has not previously voted in an election for federal office in this State:

(a) May vote at a polling place only if the person presents to the election board officer at the polling place:

(1) A current and valid photo identification of the person, which shows his or her physical address; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card; and

(b) May vote by mail only if the person provides to the county or city clerk:

(1) A copy of a current and valid photo identification of the person, which shows his or her physical address; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card.

➡ If there is a question as to the physical address of the person, the election board officer or clerk may request additional information.

2. The provisions of subsection 1 do not apply to a person who:

(a) Registers to vote by mail or computer, or preregisters to vote by mail or computer and is subsequently deemed to be registered to vote, and submits with an application to preregister or register to vote:

(1) A copy of a current and valid photo identification; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card;

(b) Except as otherwise provided in subsection 3, registers to vote by mail or computer and submits with an application to register to vote a driver's

license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(c) Registers to vote pursuant to NRS 293.5742, and at that time presents to the Department of Motor Vehicles:

(1) A copy of a current and valid photo identification;

(2) A copy of a current utility bill, bank statement, paycheck or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card; or

(3) A driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(d) Is entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.;

(e) Is provided the right to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.; or

(f) Is entitled to vote otherwise than in person under any other federal law.

3. The provisions of subsection 1 apply to a person described in paragraph (b) of subsection 2 if the voter registration card issued to the person is mailed by the county clerk to the person and returned to the county clerk by the United States Postal Service.

Sec. 26. NRS 293.2733 is hereby amended to read as follows:

293.2733 1. If an Indian reservation or Indian colony is located in whole or in part within a county, the Indian tribe may submit a request to the county clerk for the establishment ~~[of a polling place]~~ within the boundaries of the Indian reservation or Indian colony for the day of a primary election or general election ~~[]~~ of:

(a) *A polling place;*

(b) *A ballot drop box; or*

(c) *Both a polling place and a ballot drop box.*

2. A request for the establishment of a polling place , *a ballot drop box or both a polling place and a ballot drop box* within the boundaries of an Indian reservation or Indian colony for the day of a primary election or general election:

(a) Must be submitted to the county clerk by the Indian tribe on or before:

(1) If the request is for a primary election, ~~[the first Friday in January]~~ *March 1* of the year in which the primary election is to be held.

(2) If the request is for a general election, ~~[the first Friday in July]~~ *August 1* of the year in which the general election is to be held.

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the polling place ~~[]~~ *or ballot drop box*. Any proposed location must satisfy the criteria the county clerk uses for

the establishment of any other polling place ~~[-]~~ or *ballot drop box*, as *applicable*.

3. Except as otherwise provided in this subsection, if the county clerk receives a request that satisfies the requirements set forth in subsection 2, the county clerk must establish at least one polling place *or ballot box*, as *applicable* within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe for the day of a primary election or general election. The county clerk is not required to establish a polling place within the boundaries of an Indian reservation or Indian colony for the day of a primary election or general election if the county clerk established a temporary branch polling place for early voting pursuant to NRS 293.3572 within the boundaries of the Indian reservation or Indian colony for the same election.

4. If the county clerk establishes one or more polling places *or ballot drop boxes* within the boundaries of an Indian reservation or Indian colony pursuant to subsection 3 for the day of a primary election or general election, the county clerk must continue to establish one or more polling places *or ballot drop boxes* within the boundaries of the Indian reservation or Indian colony at a location or locations approved by the Indian tribe for the day of any future primary election or general election unless otherwise requested by the Indian tribe.

Sec. 27. NRS 293.285 is hereby amended to read as follows:

293.285 1. Except as otherwise provided in NRS 293.283 and 293.5772 to 293.5887, inclusive:

(a) A registered voter applying to vote shall state his or her name to the election board officer in charge of the roster; and

(b) The election board officer shall:

(1) Announce the name of the registered voter;

(2) Instruct the registered voter to sign the roster or signature card;

(3) Verify the signature of the registered voter in the manner set forth in NRS 293.277; and

(4) Verify that the registered voter has not already voted in that county in the current election.

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the voter registration card issued to the voter.

3. If the signature of the voter has changed in comparison to the signature on the application to preregister or register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. *For the purposes of subsection 2, the personal data of a voter may include his or her date of birth.*

Sec. 28. NRS 293.3572 is hereby amended to read as follows:

293.3572 1. In addition to permanent polling places for early voting, except as otherwise provided in subsection 4, the county clerk may establish temporary branch polling places for early voting which may include, without limitation, the clerk's office pursuant to NRS 293.3561.

2. If an Indian reservation or Indian colony is located in whole or in part within a county, the Indian tribe may submit a request to the county clerk for the establishment of a temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony.

3. A request for the establishment of a temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony:

(a) Must be submitted to the county clerk by the Indian tribe on or before:

(1) If the request is for a primary election, ~~[the first Friday in January]~~ March 1 of the year in which the general election is to be held.

(2) If the request is for a general election, ~~[the first Friday in July]~~ August 1 of the year in which the general election is to be held.

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the temporary branch polling place and proposed hours of operation thereof. Any proposed location must satisfy the criteria established by the county clerk for the selection of temporary branch polling places pursuant to NRS 293.3561.

4. Except as otherwise provided in this subsection, if the county clerk receives a request that satisfies the requirements set forth in subsection 3, the county clerk must establish at least one temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony. The location and hours of operation of such a temporary branch polling place for early voting must be approved by the Indian tribe. The county clerk is not required to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony if the county clerk determines that it is not logistically feasible to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.

5. If the county clerk establishes one or more temporary branch polling places within the boundaries of an Indian reservation or Indian colony pursuant to subsection 4 for early voting, the county clerk must continue to establish one or more temporary branch polling places within the boundaries of the Indian reservation or Indian colony at a location or locations approved by the Indian tribe for early voting in future elections unless otherwise requested by the Indian tribe.

6. The provisions of subsection 3 of NRS 293.3568 do not apply to a temporary branch polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the county clerk.

7. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

8. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

Sec. 29. NRS 293.3585 is hereby amended to read as follows:

293.3585 1. Except as otherwise provided in NRS 293.283 and 293.5772 to 293.5887, inclusive, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

- (a) Determine that the person is a registered voter in the county.
- (b) Instruct the voter to sign the roster for early voting or a signature card.
- (c) Verify the signature of the voter in the manner set forth in NRS 293.277.
- (d) Verify that the voter has not already voted in that county in the current election.

2. If the signature of the voter does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the voter registration card issued to the voter.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that county in the current election.

5. The roster for early voting or a signature card, as applicable, must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number, if that information is available; and

(c) The date of voting early in person.

6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

- (a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.

9. *For the purposes of subsection 2, the personal data of a voter may include his or her date of birth.*

Sec. 30. NRS 293.3625 is hereby amended to read as follows:

293.3625 The county clerk shall make a record of the receipt at the central counting place of each sealed container used to transport official ballots pursuant to NRS 293.304, ~~[293.325,]~~ 293B.330 and 293B.335. The record must include the numbers indicated on the container and its seal pursuant to NRS 293.462.

Sec. 31. NRS 293.363 is hereby amended to read as follows:

293.363 ~~[Except as otherwise provided for an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive:]~~

1. When the polls are closed, the counting board shall prepare to count the ballots voted. The counting procedure must be public and continue without adjournment until completed.

2. If the ballots are paper ballots, the counting board shall prepare in the following manner:

(a) The container that holds the ballots or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to ascertain whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.

(b) If the ballots in the container or box are found to exceed in number the number of names as are indicated on the roster as having voted, the ballots must be replaced in the container or box, and a counting board officer, with his or her back turned to the container or box, shall draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the county clerk with the other ballots rejected for any cause.

(c) When it has been ascertained that the number of ballots agrees with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.

Sec. 32. NRS 293.365 is hereby amended to read as follows:

293.365 Except as otherwise provided ~~[for an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive,] in section 13 of this act~~, no counting board in any precinct, district or polling place in which paper ballots are used may commence to count the votes until all ballots used or unused are accounted for.

Sec. 33. NRS 293.387 is hereby amended to read as follows:

293.387 1. As soon as the returns from all the precincts and districts in any county have been received by the board of county commissioners, the board shall meet and canvass the returns. The canvass must be completed on or before the 10th day following the election ~~. for, if applicable, the 13th day following an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive.]~~

2. In making its canvass, the board shall:

(a) Note separately any clerical errors discovered; and
(b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

3. The county clerk shall, as soon as the result is declared, enter upon the records of the board an abstract of the result, which must contain the number of votes cast for each candidate. The board, after making the abstract, shall cause the county clerk to certify the abstract and, by an order made and entered in the minutes of its proceedings, to make:

(a) A copy of the certified abstract; and
(b) A mechanized report of the abstract in compliance with regulations adopted by the Secretary of State,

↪ and transmit them to the Secretary of State on or before the 10th day following the election ~~. for, if applicable, the 13th day following an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive.]~~

4. The Secretary of State shall, immediately after any primary election, compile the returns for all candidates voted for in more than one county. The Secretary of State shall make out and file in his or her office an abstract thereof, and shall certify to the county clerk of each county the name of each person nominated, and the name of the office for which the person is nominated.

Sec. 34. NRS 293.391 is hereby amended to read as follows:

293.391 1. The voted ballots, rejected ballots, spoiled ballots, challenge lists, records printed on paper of voted ballots collected pursuant to NRS 293B.400, *reports prepared pursuant to section 17 of this act* and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk. The records of voted ballots that are maintained in electronic form must, after canvass of the votes by the board of county commissioners, be sealed and deposited in the vaults of the county clerk. The tally lists collected pursuant to this title must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk without being sealed. All

materials described by this subsection must be preserved for at least 22 months, and all such sealed materials must be destroyed immediately after the preservation period. A notice of the destruction must be published by the clerk in at least one newspaper of general circulation in the county not less than 2 weeks before the destruction.

2. Unused ballots, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.

3. The rosters containing the signatures of those persons who voted in the election and the tally lists deposited with the board of county commissioners are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the county clerk.

4. A contestant of an election may inspect all of the material regarding that election which is preserved pursuant to subsection 1 or 2, except the voted ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the county clerk.

5. The voted ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the county clerk are not subject to the inspection of anyone, except in cases of a contested election, and then only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of such judge, body or board.

Sec. 35. NRS 293.393 is hereby amended to read as follows:

293.393 1. On or before the 10th day after any general election or any other election at which votes are cast for any United States Senator, Representative in Congress, member of the Legislature or any state officer who is elected statewide, ~~for, if applicable, on or before the 13th day after an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive,~~ the board of county commissioners shall open the returns of votes cast and make abstracts of the votes.

2. Abstracts of votes must be prepared in the manner prescribed by the Secretary of State by regulation.

3. The county clerk shall make out a certificate of election to each of the persons having the highest number of votes for the district, county and township offices.

4. Each certificate must be delivered to the person elected upon application at the office of the county clerk.

Sec. 36. NRS 293.462 is hereby amended to read as follows:

293.462 1. Each container used to transport official ballots pursuant to NRS 293.304, ~~293.325,~~ 293B.330 and 293B.335 must:

(a) Be constructed of metal or any other rigid material; and
(b) Contain a seal which is placed on the container to ensure detection of any opening of the container.

2. The container and seal must be separately numbered for identification.

Sec. 37. NRS 293.464 is hereby amended to read as follows:

293.464 1. If a court of competent jurisdiction orders a county to extend the deadline for voting beyond the statutory deadline in a particular election, the county clerk shall, as soon as practicable after receiving notice of the court's decision:

(a) Cause notice of the extended deadline to be published in a newspaper of general circulation in the county; and

(b) Transmit a notice of the extended deadline to each registered voter who ~~requested an absent voter's~~ *received a mail* ballot for the election and has not returned the *mail* ballot before the date on which the notice will be transmitted.

2. The notice required pursuant to paragraph (a) of subsection 1 must be published:

(a) In a county whose population is 47,500 or more, on at least 3 successive days.

(b) In a county whose population is less than 47,500, at least twice in successive issues of the newspaper.

Sec. 38. NRS 293.4688 is hereby amended to read as follows:

293.4688 1. The Secretary of State shall ensure that:

(a) All public information that is included on the Internet website required pursuant to NRS 293.4687 is accessible on a mobile device; and

(b) A person may use a mobile device to submit any information or form related to elections that a person may otherwise submit electronically to the Secretary of State, including, without limitation, an application to preregister or register to vote ~~[, a request for an absent ballot]~~ and a request for a military-overseas ballot.

2. As used in this section:

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

(b) "Mobile device" includes, without limitation, a smartphone or a tablet computer.

Sec. 39. NRS 293.469 is hereby amended to read as follows:

293.469 Each county clerk is encouraged to:

1. Not later than the earlier date of the notice provided pursuant to NRS 293.203 or the first notice provided pursuant to subsection 3 of NRS 293.560, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293.2955, 293.296 ~~[, 293.313, 293.316]~~ and ~~[293.3165.]~~ *section 3 of this act*.

2. Provide in alternative audio and visual formats information concerning elections, information concerning how to preregister or register to vote and information concerning the manner of voting for use by a person who is elderly or disabled, including, without limitation, providing such information through a telecommunications device that is accessible to a person who is deaf.

3. Not later than 5 working days after receiving the request of a person who is elderly or disabled, provide to the person, in a format that can be used by the person, any requested material that is:

- (a) Related to elections; and
- (b) Made available by the county clerk to the public in printed form.

Sec. 40. NRS 293.5002 is hereby amended to read as follows:

293.5002 1. The Secretary of State shall establish procedures to allow a person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive, to:

- (a) Preregister or register to vote; and
 - (b) Vote by ~~absent~~ mail ballot,
- ↪ without revealing the confidential address of the person.

2. In addition to establishing appropriate procedures or developing forms pursuant to subsection 1, the Secretary of State shall develop a form to allow a person for whom a fictitious address has been issued to preregister or register to vote or to change the address of the person's current preregistration or registration, as applicable. The form must include:

- (a) A section that contains the confidential address of the person; and
- (b) A section that contains the fictitious address of the person.

3. Upon receiving a completed form from a person for whom a fictitious address has been issued, the Secretary of State shall:

- (a) On the portion of the form that contains the fictitious address of the person, indicate the county and precinct in which the person will vote and forward this portion of the form to the appropriate county clerk; and
- (b) File the portion of the form that contains the confidential address.

4. ~~{Notwithstanding any other provision of law, any request received by the Secretary of State pursuant to subsection 3 shall be deemed a request for a permanent absent ballot.~~

~~—5.} Notwithstanding any other provision of law:~~

(a) The Secretary of State and each county clerk shall keep the portion of the form developed pursuant to subsection 2 that he or she retains separate from other applications for preregistration or registration.

(b) The county clerk shall not make the name, confidential address or fictitious address of the person who has been issued a fictitious address available for:

- (1) Inspection or copying; or
 - (2) Inclusion in any list that is made available for public inspection,
- ↪ unless directed to do so by lawful order of a court of competent jurisdiction.

Sec. 41. NRS 293.502 is hereby amended to read as follows:

293.502 1. An elector:

(a) Who complies with the requirements for registration set forth in the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.;

(b) Who, not more than 60 days before an election:

(1) Is discharged from the Armed Forces of the United States or is the spouse or dependent of an elector who is discharged from the Armed Forces; or

(2) Is separated from employment outside the territorial limits of the United States or is the spouse or dependent of an elector who is separated from employment outside the territorial limits of the United States;

(c) Who presents evidence of the discharge from the Armed Forces or separation from employment described in paragraph (b) to the county clerk; and

(d) Is not registered to vote at the close of registration for that election, ➔ must be allowed to register to vote in the election.

2. Such an elector must:

(a) Register in person; and

(b) Vote in the office of the county clerk unless the elector is otherwise entitled to vote ~~in absentia~~ *a mail* ballot pursuant to federal law.

3. The Secretary of State shall adopt regulations to carry out a program of registration for such electors.

Sec. 42. NRS 293.541 is hereby amended to read as follows:

293.541 1. The county clerk shall cancel the preregistration of a person or the registration of a voter if:

(a) After consultation with the district attorney, the district attorney determines that there is probable cause to believe that information in the application to preregister or register to vote concerning the identity or residence of the person or voter is fraudulent;

(b) The county clerk provides a notice as required pursuant to subsection 2 or executes an affidavit of cancellation pursuant to subsection 3; and

(c) The person or voter fails to present satisfactory proof of identity and residence pursuant to subsection 2, 4 or 5.

2. Except as otherwise provided in subsection 3, the county clerk shall notify the person or voter by registered or certified mail, return receipt requested, of a determination made pursuant to subsection 1. The notice must set forth the grounds for cancellation. Unless the person or voter, within 15 days after the return receipt has been filed in the office of the county clerk, presents satisfactory proof of identity and residence to the county clerk, the county clerk shall cancel the person's preregistration or the voter's registration, as applicable.

3. If insufficient time exists before a pending election to provide the notice required by subsection 2 to a registered voter, the county clerk shall execute an affidavit of cancellation and file the affidavit of cancellation with the registrar of voters' register and:

(a) In counties where records of registration are not kept by computer, the county clerk shall attach a copy of the affidavit of cancellation in the roster.

(b) In counties where records of registration are kept by computer, the county clerk shall have the affidavit of cancellation printed on the computer entry for the registration and add a copy of it to the roster.

4. If a voter appears to vote at the election next following the date that an affidavit of cancellation was executed for the voter pursuant to this section, the voter must be allowed to vote only if the voter furnishes:

(a) Official identification which contains a photograph of the voter, including, without limitation, a driver's license or other official document; and

(b) Satisfactory identification that contains proof of the address at which the voter actually resides and that address is consistent with the address listed on the roster.

5. If a determination is made pursuant to subsection 1 concerning information in the registration to vote of a voter and ~~an absent~~ *a mail* ballot ~~for a ballot voted by a voter who resides in a mailing precinct~~ is received from the voter, the ballot must be kept separate from other ballots and must not be counted unless the voter presents satisfactory proof to the county clerk of identity and residence before such ballots are counted on election day.

6. For the purposes of this section, a voter registration card does not provide proof of the:

(a) Address at which a person actually resides; or

(b) Residence or identity of a person.

Sec. 42.5. NRS 293.560 is hereby amended to read as follows:

293.560 1. Except as otherwise provided in NRS 293.502, 293.5772 to 293.5887, inclusive, 293D.230 and 293D.300:

(a) For a primary or general election, or a recall or special election that is held on the same day as a primary or general election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary or general election.

(2) By appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035, is the fourth Tuesday preceding the primary or general election.

(3) By computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters, is the Thursday preceding the primary or general election, unless the system is used to register voters for the election pursuant to NRS 293.5842 or 293.5847.

(4) By computer using the system established by the Secretary of State pursuant to NRS 293.671, is the ~~Thursday preceding~~ *day of* the primary or general election . ~~[, unless the system is used to register voters for the election pursuant to NRS 293.5842 or 293.5847.]~~

(b) If a recall or special election is not held on the same day as a primary or general election, the last day to register to vote for the recall or special election by any method of registration is the third Saturday preceding the recall or special election.

2. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, after the deadlines for the close of registration for a primary or general election set forth in subsection 1, no person may register to vote for the election.

3. Except for a recall or special election held pursuant to chapter 306 or 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:

(1) The day and time that each method of registration for the election, as set forth in subsection 1, will be closed; and

(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.

➔ If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the day that the last method of registration for the election, as set forth in subsection 1, will be closed.

4. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.

5. A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035.

Sec. 43. NRS 293.5837 is hereby amended to read as follows:

293.5837 1. ~~{Through the Thursday preceding the day of the election, and}~~ An elector may register to vote in the county or city, as applicable, in which the elector is eligible to vote by submitting an application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671 before the elector appears at a polling place described in subsection 2 to vote in person.

2. If an elector submits an application to register to vote pursuant to this section ~~{ } less than 14 days before the election,~~ the elector may vote only in person:

(a) During the period for early voting, at any polling place for early voting by personal appearance in the county or city, as applicable, in which the elector is eligible to vote; or

(b) On the day of the election, at:

(1) A polling place established pursuant to NRS 293.3072 ~~{, 293.8834}~~ or 293C.3032 in the county or city, as applicable, in which the elector is eligible to vote; or

(2) The polling place for his or her election precinct.

3. To vote in person, an elector who submits an application to register to vote pursuant to this section must:

(a) Appear before the close of polls at a polling place described in subsection 2;

(b) Inform an election board officer that, before appearing at the polling place, the elector submitted an application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671; and

(c) Except as otherwise provided in subsection 4, provide his or her current and valid driver's license or identification card issued by the Department of Motor Vehicles which shows his or her physical address as proof of the elector's identity and residency.

4. If the driver's license or identification card issued by the Department of Motor Vehicles to the elector does not have the elector's current residential address, the following documents may be used to establish the residency of the elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

- (a) A military identification card;
- (b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;
- (c) A bank or credit union statement;
- (d) A paycheck;
- (e) An income tax return;
- (f) A statement concerning the mortgage, rental or lease of a residence;
- (g) A motor vehicle registration;
- (h) A property tax statement; or
- (i) Any other document issued by a governmental agency.

5. Subject to final verification, if an elector submits an application to register to vote and appears at a polling place to vote in person pursuant to this section:

(a) The elector shall be deemed to be conditionally registered to vote at the polling place upon:

(1) The determination that the elector submitted the application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671 and that the application to register to vote is complete; and

(2) The verification of the elector's identity and residency pursuant to this section.

(b) After the elector is deemed to be conditionally registered to vote at the polling place pursuant to paragraph (a), the elector:

- (1) May vote in the election only at that polling place;
 - (2) Must vote as soon as practicable and before leaving that polling place;
- and

(3) Must vote by casting a provisional ballot, unless it is verified, at that time, that the elector is qualified to register to vote and to cast a regular ballot in the election at that polling place.

Sec. 44. NRS 293.675 is hereby amended to read as follows:

293.675 1. The Secretary of State shall establish and maintain an official statewide voter registration list, which may be maintained on the Internet, in consultation with each county and city clerk.

2. The statewide voter registration list must:

- (a) Be a uniform, centralized and interactive computerized list;

(b) Serve as the single method for storing and managing the official list of registered voters in this State;

(c) Serve as the official list of registered voters for the conduct of all elections in this State;

(d) Contain the name and registration information of every legally registered voter in this State;

(e) Include a unique identifier assigned by the Secretary of State to each legally registered voter in this State;

(f) Except as otherwise provided in subsection ~~[7,]~~ 8, be coordinated with the appropriate databases of other agencies in this State;

(g) Be electronically accessible to each state and local election official in this State at all times;

(h) Except as otherwise provided in subsection ~~[8,]~~ 9, allow for data to be shared with other states under certain circumstances; and

(i) Be regularly maintained to ensure the integrity of the registration process and the election process.

3. Each county and city clerk shall:

(a) Except for information related to the preregistration of persons to vote, electronically enter into the statewide voter registration list all information related to voter registration obtained by the county or city clerk at the time the information is provided to the county or city clerk; and

(b) Provide the Secretary of State with information concerning the voter registration of the county or city and other reasonable information requested by the Secretary of State in the form required by the Secretary of State to establish or maintain the statewide voter registration list.

4. In establishing and maintaining the statewide voter registration list, the Secretary of State shall enter into a cooperative agreement with the Department of Motor Vehicles to match information in the database of the statewide voter registration list with information in the appropriate database of the Department of Motor Vehicles to verify the accuracy of the information in an application to register to vote.

5. The Department of Motor Vehicles shall enter into an agreement with the Social Security Administration pursuant to 52 U.S.C. § 21083, to verify the accuracy of information in an application to register to vote.

6. The Department of Motor Vehicles shall ensure that its database:

(a) Is capable of processing any information related to an application to register to vote, an application to update voter registration information or a request to verify the accuracy of voter registration information as quickly as is feasible; and

(b) Does not limit the number of applications to register to vote, applications to update voter registration information or requests to verify the accuracy of voter registration information that may be processed by the database in any given day.

7. *The Secretary of State shall enter into a cooperative agreement with the State Registrar of Vital Statistics to match information in the database of the*

statewide voter registration list with information in the records of State Registrar of Vital Statistics concerning the death of a resident of this State to maintain the statewide voter registration list. The Secretary of State must compare the records of the State Registrar of Vital Statistics to those in the statewide voter registration list at least once per month.

8. Except as otherwise provided in NRS 481.063 or any provision of law providing for the confidentiality of information, the Secretary of State may enter into an agreement with an agency of this State pursuant to which the agency provides to the Secretary of State any information in the possession of the agency that the Secretary of State deems necessary to maintain the statewide voter registration list.

~~{8.}~~ 9. The Secretary of State may:

(a) Request from the chief officer of elections of another state any information which the Secretary of State deems necessary to maintain the statewide voter registration list; and

(b) Provide to the chief officer of elections of another state any information which is requested and which the Secretary of State deems necessary for the chief officer of elections of that state to maintain a voter registration list, if the Secretary of State is satisfied that the information provided pursuant to this paragraph will be used only for the maintenance of that voter registration list.

Sec. 45. NRS 293.730 is hereby amended to read as follows:

293.730 1. Except for an election board officer in the course of the election board officer's official duties, a person shall not:

(a) Remain in or outside of any polling place so as to interfere with the conduct of the election.

(b) Accept from any voter a ballot prepared by or on behalf of the voter, other than ~~{an absent ballot, mailing ballot,}~~ a mail ballot or military-overseas ballot prepared by or on behalf of the voter with his or her authorization pursuant to this title.

(c) Remove a ballot from any polling place before the closing of the polls.

(d) Apply for or receive a ballot at any election precinct or district other than one at which the person is entitled to vote.

(e) Show his or her ballot to another person, after voting, so as to reveal any of his or her votes on the ballot, other than on his or her ~~{absent ballot, mailing ballot,}~~ mail ballot or military-overseas ballot prepared by or on behalf of the voter with his or her authorization pursuant to this title.

(f) Inside a polling place, ask another person for his or her name, address or political affiliation or for whom he or she intends to vote.

(g) Send, transmit, distribute or deliver a ballot to a voter, other than ~~{an absent ballot, mailing ballot,}~~ a mail ballot or military-overseas ballot when permitted pursuant to this title.

(h) Except when permitted by the voter, alter, change, deface, damage or destroy ~~{an absent ballot, mailing ballot,}~~ a mail ballot or military-overseas ballot prepared by or on behalf of the voter with his or her authorization pursuant to this title.

2. A voter shall not:

(a) Accept a ballot from another person, other than an election board officer in the course of the election board officer's official duties or a person who sends, transmits, distributes or delivers ~~[an absent ballot, mailing ballot,]~~ a mail ballot or military-overseas ballot to the voter when permitted pursuant to this title.

(b) Deliver to an election board officer in the course of the election board officer's official duties any ballot other than the one received.

(c) Place any mark upon his or her ballot by which it may afterward be identified as the one that he or she voted, other than any such mark that is permitted to be placed on ~~[an absent ballot, mailing ballot,]~~ a mail ballot or military-overseas ballot prepared by or on behalf of the voter with his or her authorization pursuant to this title.

3. *A person other than a county or city clerk shall not set up a ballot drop box that purports to be an official ballot drop box for mail ballots.*

4. Any person who violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 46. NRS 293.908 is hereby amended to read as follows:

293.908 1. The following persons may request that personal information contained in the records of the Secretary of State or a county or city clerk be kept confidential:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master in this State.

(d) Any clerk of a court, court administrator or court executive officer in this State.

(e) Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(g) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

(1) Interacts with the public; and

(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

(h) Any county manager in this State.

(i) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

(1) Who possess specialized training in code enforcement;

(2) Who, as part of his or her normal job responsibilities, interacts with the public; and

(3) Whose primary duties are the performance of tasks related to code enforcement.

(j) *Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by the county or city clerk or registrar of voters in the elections division of the county or city.*

(k) The spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~[(i)],~~ (j), inclusive.

~~[(k)]~~ (l) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~[(i)],~~ (j) inclusive, who was killed in the performance of his or her duties.

2. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) "Social worker" means any person licensed under chapter 641B of NRS.

Sec. 47. NRS 293B.130 is hereby amended to read as follows:

293B.130 1. Before any election where a mechanical voting system is to be used, the county clerk shall prepare or cause to be prepared a computer program on cards, tape or other material suitable for use with the computer or counting device to be employed for counting the votes cast. The program must cause the computer or counting device to operate in the following manner:

(a) All lawful votes cast by each voter must be counted.

(b) All unlawful votes, including, ~~but not limited to,~~ without limitation, overvotes or, in a primary election, votes cast for a candidate of a major political party other than the party, if any, of the registration of the voter must not be counted.

(c) If the election is:

(1) A primary election held in an even-numbered year; or

(2) A general election,

➤ the total votes, other than ~~absentee votes and votes in a mailing precinct,~~ mail ballots, must be accumulated by precinct.

(d) The computer or counting device must halt or indicate by appropriate signal if a ballot is encountered which lacks a code identifying the precinct in which it was voted and, in a primary election, identifying the major political party of the voter.

2. The program must be prepared under the supervision of the accuracy certification board appointed pursuant to the provisions of NRS 293B.140.

3. The county clerk shall take such measures as he or she deems necessary to protect the program from being altered or damaged.

Sec. 48. NRS 293B.360 is hereby amended to read as follows:

293B.360 1. To facilitate the processing and computation of votes cast at any election conducted under a mechanical voting system, the county clerk shall create a computer program and processing accuracy board, and may create:

- (a) A central ballot inspection board;
- (b) ~~[An absent]~~ A mail ballot ~~[mailing precinct]~~ inspection board;
- (c) A ballot duplicating board;
- (d) A ballot processing and packaging board; and
- (e) Such additional boards or appoint such officers as the county clerk deems necessary for the expeditious processing of ballots.

2. Except as otherwise provided in subsection 3, the county clerk may determine the number of members to constitute any board. The county clerk shall make any appointments from among competent persons who are registered voters in this State. The members of each board must represent all political parties as equally as possible. The same person may be appointed to more than one board but must meet the particular qualifications for each board to which he or she is appointed.

3. If the county clerk creates a ballot duplicating board, the county clerk shall appoint to the board at least two members. The members of the ballot duplicating board must not all be of the same political party.

4. All persons appointed pursuant to this section serve at the pleasure of the county clerk.

Sec. 49. NRS 293B.380 is hereby amended to read as follows:

293B.380 1. The ballot processing and packaging board must be composed of persons who are qualified in the use of the data processing equipment to be operated for the voting count.

2. The board shall:

(a) Allow members of the general public to observe the counting area where the computers are located during the period when ballots are being processed if those members do not interfere with the processing of the ballots.

(b) Receive ballots and maintain groupings of them by precinct.

(c) Before each counting of the ballots or computer run begins, validate the testing material with the counting program.

(d) Maintain a log showing the sequence in which the ballots of each precinct are processed, as a measure to ensure that the ballots of all precincts are processed.

(e) After each counting of the ballots, again verify the testing material with the counting program to substantiate that there has been no substitution or irregularity.

(f) Record an explanation of any irregularity that occurs in the processing.

(g) If the election is:

- (1) A primary election held in an even-numbered year; or
- (2) A general election,

↪ ensure that a list is compiled indicating the total votes, other than ~~absentee votes and votes in a mailing precinct,~~ mail ballots, which each candidate accumulated in each precinct.

(h) Collect all returns, programs, testing materials, ballots and other items used in the election at the computer center and package and deliver the items to the county clerk for sealing and storage.

Sec. 50. Chapter 293C of NRS is hereby amended by adding thereto the provisions set forth as sections 51 to 65, inclusive, of this act.

Sec. 51. 1. *Except as otherwise provided in this section, the city clerk shall prepare and distribute to each active registered voter in the city and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The city clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled.*

2. *The city clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the city clerk a written notice in the form prescribed by the city clerk which must be received by the city clerk not later than 60 days before the day of the election.*

3. *The city clerk shall not distribute a mail ballot to any person who:*

(a) *Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or*

(b) *Elects not to receive a mail ballot pursuant to subsection 2.*

4. *The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.*

5. *Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:*

(a) *Each active registered voter who:*

(1) *Resides within the State, not later than 20 days before the election; and*

(2) *Except as otherwise provided in paragraph (b), resides outside the State, not later than 40 days before the election.*

(b) *Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.*

(c) *Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.*

6. *In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.*

7. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 52. 1. Except as otherwise provided in subsection 2, section 51 of this act and chapter 293D of NRS, the city clerk shall send to each active registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:

- (a) A mail ballot;
- (b) A return envelope;
- (c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and
- (d) Instructions.

2. In sending a mail ballot to an active registered voter, the city clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.

3. The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Before sending a mail ballot to an active registered voter, the city clerk shall record:

- (a) The date the mail ballot is issued;
- (b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;
- (c) The number of the mail ballot; and
- (d) Any remarks the city clerk finds appropriate.

Sec. 53. 1. Except as otherwise provided in subsection 2, if a person applied by mail or computer to register to vote, or preregistered to vote by mail or computer and is subsequently deemed to be registered to vote, and the person has not previously voted in any election for federal office in this State, the city clerk must inform the person that he or she must include a copy of the information required in paragraph (b) of subsection 1 of NRS 293.2725 in the return envelope with the mail ballot.

2. The provisions of subsection 1 do not apply to a person who:

(a) Registers to vote by mail or computer, or preregisters to vote by mail or computer and is subsequently deemed to be registered to vote, and submits with his or her application to preregister or register to vote:

- (1) A copy of a current and valid photo identification; or
- (2) A copy of a current utility bill, bank statement, paycheck or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card;

(b) Registers to vote by mail or computer and submits with his or her application to register to vote a driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing

the same number, name and date of birth as provided by the person in the application;

(c) Registers to vote pursuant to NRS 293.5732 to 293.5757, inclusive, and at that time presents to the Department of Motor Vehicles:

(1) A copy of a current and valid photo identification;

(2) A copy of a current utility bill, bank statement, paycheck or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card; or

(3) A driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(d) Is entitled to vote pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.;

(e) Is provided the right to vote otherwise than in person pursuant to the provisions of the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.; or

(f) Is entitled to vote otherwise than in person pursuant to the provisions of any other federal law.

3. If a person fails to provide the identification required pursuant to paragraph (b) of subsection 1 of NRS 293.2725 with his or her mail ballot:

(a) The mail ballot must be treated as a provisional ballot; and

(b) The city clerk must:

(1) Contact the person;

(2) Allow the person to provide the identification required before 5 p.m. on the sixth day following the election; and

(3) If the identification required pursuant to paragraph (b) of subsection 1 of NRS 293.2725 is provided, ensure the mail ballot is delivered to the appropriate mail ballot central counting board.

Sec. 54. 1. Except as otherwise provided in section 55 of this act and chapter 293D of NRS, in order to vote a mail ballot, the voter must, in accordance with the instructions:

(a) Mark and fold the mail ballot;

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

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

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

2. Except as otherwise provided in chapter 293D of NRS, voting must be only upon candidates whose names appear upon the mail ballot as prepared pursuant to section 51 of this act, and no person may write in the name of an additional candidate for any office.

3. If a mail ballot has been sent to a voter who applies to vote in person at a polling place, including, without limitation, a polling place for early voting,

the voter must, in addition to complying with all other requirements for voting in person that are set forth in this chapter, surrender his or her mail ballot or sign an affirmation under penalty of perjury that the voter has not voted during the election. A person who receives a surrendered mail ballot shall mark it "Cancelled."

Sec. 55. 1. *Except as otherwise provided in this section, a person shall not mark and sign a mail ballot on behalf of a voter or assist a voter to mark and sign a mail ballot pursuant to the provisions of sections 51 to 65, inclusive, of this act.*

2. *At the direction of a voter who has a physical disability, is at least 65 years of age or is unable to read or write, a person may mark and sign a mail ballot on behalf of the voter or assist the voter to mark and sign a mail ballot pursuant to this section.*

3. *If a person marks and signs a mail ballot on behalf of a voter pursuant to this section, the person must indicate next to his or her signature that the mail ballot has been marked and signed on behalf of the voter.*

4. *If a person assists a voter to mark and sign a mail ballot pursuant to this section, the person must include on the return envelope his or her name, address and signature.*

Sec. 56. 1. *Except as otherwise provided in subsection 2 and chapter 293D of NRS, in order for a mail ballot to be counted for any election, the mail ballot must be:*

(a) *Before the time set for closing of the polls, delivered by hand to the city clerk, or any ballot drop box established in the city, pursuant to this section; or*

(b) *Mailed to the city clerk, and:*

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

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

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

3. *Each city clerk must establish a ballot drop box at every polling place in the city, including, without limitation, a polling place for early voting. A city clerk may establish a drop box at any other location in the city where mail ballots can be delivered by hand and collected during the period for early voting and on election day. No person other than a clerk may establish a drop box for mail ballots.*

4. *A ballot drop box must be:*

(a) *Constructed of metal or any other rigid material of sufficient strength and resistance to protect the security of the mail ballots; and*

(b) *Capable of securely receiving and holding the mail ballots and being locked.*

5. *A ballot drop box must be:*

(a) *Placed in an accessible and convenient location at the office of the city clerk, or a polling place in the city; and*

(b) *Made available for use during the hours when the office of the city clerk, or the polling place, is open for business or voting, as applicable.*

Sec. 57. 1. *Except as otherwise provided in subsection 2, at the request of a voter whose mail ballot has been prepared by or on behalf of the voter, a person authorized by the voter may return the mail ballot on behalf of the voter by mail or personal delivery to the city clerk, or any ballot drop box established in the city pursuant to section 56 of this act.*

2. *Except for an election board officer in the course of the election board officer's official duties, a person shall not willfully:*

(a) *Impede, obstruct, prevent or interfere with the return of a voter's mail ballot;*

(b) *Deny a voter the right to return the voter's mail ballot; or*

(c) *If the person receives the voter's mail ballot and authorization to return the mail ballot on behalf of the voter by mail or personal delivery, fail to return the mail ballot, unless otherwise authorized by the voter, by mail or personal delivery;*

(1) *Before the end of the third day after the day of receipt, if the person receives the mail ballot from the voter four or more days before the day of the election; or*

(2) *Before the deadline established by the United States Postal Service for the mail ballot to be postmarked on the day of the election or before the polls close on the day of the election, as applicable to the type of delivery, if the person receives the mail ballot from the voter three or fewer days before the day of the election.*

3. *A person who violates any provision of subsection 2 is guilty of a category E felony and shall be punished as provided in NRS 193.130.*

Sec. 58. 1. *The city clerk shall establish procedures for the processing and counting of mail ballots.*

2. *The procedures established pursuant to subsection 1:*

(a) *May authorize mail ballots to be processed and counted by computer or other electronic means; and*

(b) *Must not conflict with the provisions of sections 51 to 65, inclusive, of this act.*

Sec. 59. 1. *Except as otherwise provided in NRS 293D.200, when a mail ballot is returned by or on behalf of a voter to the city clerk, and a record of its return is made in the mail ballot record for the election, the clerk or an employee in the office of the clerk shall check the signature used for the ballot by electronic means pursuant to subsection 2 or manually pursuant to subsection 3.*

2. *To check the signature used for a mail ballot by electronic means:*

(a) *The electronic device must take a digital image of the signature used for the mail ballot and electronically compare the digital image with the*

signatures of the voter from his or her application to register to vote or application to preregister to vote available in the records of the city clerk.

(b) If the electronic device does not match the signature of the voter, the signature shall be reviewed manually pursuant to the provisions of subsection 3.

3. To check the signature used for a mail ballot manually, the city clerk shall use the following procedure:

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

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

4. For purposes of subsection 3:

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

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

(1) The signature used for the mail ballot is a variation of the signature of the voter caused by the substitution of initials for the first or middle name, the substitution of a different type of punctuation in the first, middle or last name, the use of a common nickname or the use of one last name for a person who has two last names and it does not otherwise differ in multiple, significant and obvious respects from the signatures of the voter available in the records of the clerk; or

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

5. Except as otherwise provided in subsection 6, if the clerk determines that the voter is entitled to cast the mail ballot, the clerk shall deposit the mail ballot in the proper ballot box or place the mail ballot, unopened, in a container that must be securely locked or under the control of the clerk at all times. The clerk shall deliver the mail ballots to the mail ballot central counting board to be processed and prepared for counting.

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

the voter must provide a signature or a confirmation, as applicable, not later than 5 p.m. on the sixth day following the election.

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

- (a) Contact the voter;*
- (b) Allow the voter to provide a signature or a confirmation that the signature used for the mail ballot belongs to the voter, as applicable; and*
- (c) After a signature or a confirmation is provided, as applicable, ensure the mail ballot is delivered to the mail ballot central counting board.*

8. If there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, the voter must be identified by:

- (a) Answering questions from the city clerk covering the personal data which is reported on the application to register to vote;*
- (b) Providing the city clerk, orally or in writing, with other personal data which verifies the identity of the voter; or*
- (c) Providing the city clerk with proof of identification as described in NRS 293C.270 other than the voter registration card issued to the voter.*

9. The procedures established pursuant to subsection 7 for contacting a voter must require the clerk to contact the voter, as soon as possible after receipt of the mail ballot, by:

- (a) Mail;*
- (b) Telephone, if a telephone number for the voter is available in the records of the clerk; and*
- (c) Electronic means, which may include, without limitation, electronic mail, if the voter has provided the clerk with sufficient information to contact the voter by such means.*

Sec. 60. 1. The city clerk shall appoint a mail ballot central counting board for the election.

2. The clerk shall appoint and notify voters to act as election board officers for the mail ballot central counting board in such numbers as the clerk determines to be required by the volume of mail ballots required to be sent to each active registered voter in the city for the election. The voters appointed as election board officers for the mail ballot central counting board must not all be of the same political party. No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as such an election board officer.

3. The clerk's deputies who perform duties in connection with elections shall be deemed officers of the mail ballot central counting board.

4. The mail ballot central counting board is under the direction of the clerk.

Sec. 61. 1. *The mail ballot central counting board may begin counting the received mail ballots 15 days before the day of the election. The board must complete the count of all mail ballots on or before the seventh day following the election. The counting procedure must be public.*

2. *If two or more mail ballots are found folded together to present the appearance of a single ballot, the mail ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by an election board officer and placed in the container or ballot box after the count is completed.*

Sec. 62. *Except as otherwise provided in NRS 293D.200, each mail ballot central counting board shall process the mail ballots in the following manner:*

1. *The name of the voter, as shown on the return envelope, must be checked as if the voter were voting in person;*

2. *An election board officer shall indicate in the roster "Received" by the name of the voter;*

3. *If the board determines the voter is entitled to cast a mail ballot and all other processing steps have been completed, the return envelope must be opened and the mail ballot counted;*

4. *An election board officer shall indicate "Voted" by the name of the voter; and*

5. *When all mail ballots delivered to the board have been voted or rejected, except as otherwise provided in NRS 293D.200, the empty envelopes and the envelopes containing rejected mail ballots must be returned to the clerk. On all envelopes containing rejected mail ballots, the cause of rejection must be noted and the envelope signed by an election board officer.*

Sec. 63. 1. *The voting results of the mail ballot vote in each precinct must be certified and submitted to the city clerk, who shall have the results added to the votes of the precinct that were not cast by mail ballot. The returns of the mail ballot vote must be reported separately from the other votes that were not cast by mail ballot in the precinct unless reporting the returns separately would violate the secrecy of a voter's ballot.*

2. *The clerk shall develop a procedure to ensure that each mail ballot is kept secret.*

3. *No voting results of mail ballots may be released until all polling places are closed and all votes have been cast on the day of the election. Any person who disseminates to the public in any way information pertaining to the count of mail ballots before all polling places are closed and all votes have been cast on the day of the election is guilty of a misdemeanor.*

Sec. 64. *At least once each year, each city clerk and all members of his or her staff whose duties include administering an election must complete a training class on forensic signature verification that is approved by the Secretary of State.*

Sec. 65. *If a city clerk uses an electronic device in an election to verify signatures on mail ballots:*

1. *The city clerk must conduct a test of the accuracy of the electronic devices before the election. The test must be conducted in a manner that ensures the electronic device will use the same standards for determining the validity of a signature as would be used by a natural person verifying the signature pursuant to section 59 of this act.*

2. *The city clerk must perform daily audits of each electronic device during the processing of mail ballots for the election. The daily audit must include a review of a sample of at least 1 percent of the signatures verified each day. The city clerk shall appoint election board officers who must not all be of the same political party to manually review the signatures. The city clerk must prepare a report of each daily audit.*

Sec. 66. NRS 293C.110 is hereby amended to read as follows:

293C.110 1. Except as otherwise provided in ~~{subsection 2 and}~~ NRS 293.5817 ~~{,}~~ and sections 51 to 65, inclusive, of this act, the conduct of any city election is under the control of the governing body of the city, and it shall, by ordinance, provide for the holding of the election, appoint the necessary election officers and election boards and do all other things required to carry the election into effect.

2. ~~{Except as otherwise provided in NRS 293C.112, the}~~ The governing body of the city ~~{shall}~~ may provide for ~~{:~~

~~—(a) Absent ballots to be voted in a city election pursuant to NRS 293C.304 to 293C.340, inclusive, except for the provisions of NRS 293C.327 and 293C.328 unless the governing body of the city provides for the applicability of those provisions pursuant to paragraph (b); and~~

~~—(b) The}~~ the conduct of ~~{:~~

~~—(1) Early}~~ early voting by personal appearance in a city election pursuant to NRS 293.5772 to 293.5887, inclusive, and 293C.355 to 293C.361, inclusive . ~~{;~~

~~—(2) Voting by absent ballot in person in a city election pursuant to NRS 293C.327 and 293C.328; or~~

~~—(3) Both early voting by personal appearance as described in subparagraph (1) and voting by absent ballot in person as described in subparagraph (2).}~~

Sec. 67. NRS 293C.112 is hereby amended to read as follows:

293C.112 1. The governing body of a city may conduct a city election in which all ballots must be cast by mail *in accordance with the provisions of sections 51 to 65, inclusive, of this act*, if:

(a) The election is a special election; or

(b) The election is a primary city election or general city election in which the ballot includes only:

(1) Offices and ballot questions that may be voted on by the registered voters of only one ward; or

(2) One office or ballot question.

2. The provisions of NRS 293.5772 to 293.5887, inclusive, 293C.265 to 293C.302, inclusive, ~~{293C.304 to 293C.340, inclusive,}~~ and 293C.355 to

293C.361, inclusive, do not apply to an election conducted pursuant to this section.

~~[3. For the purposes of an election conducted pursuant to this section, each precinct in the city shall be deemed to have been designated a mailing precinct pursuant to NRS 293C.342.]~~

Sec. 68. NRS 293C.220 is hereby amended to read as follows:

293C.220 1. The city clerk shall appoint and notify registered voters to act as election board officers for the various polling places and precincts in the city as provided in NRS 293.225, 293.227, 293C.227 to ~~[293C.245,]~~ 293C.228, inclusive, and ~~[293C.382.]~~ *section 60 of this act*. No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the city clerk, the chief law enforcement officer of the city shall:

(a) Appoint an officer for each polling place in the city and for the central election board ~~for~~ and the ~~absent~~ mail ballot central counting board; or

(b) Deputize, as an officer for the election, an election board officer for each polling place and for the central election board ~~for~~ and the ~~absent~~ mail ballot central counting board. The deputized officer may not receive any additional compensation for the services he or she provides as an officer during the election for which the officer is deputized.

➤ Officers so appointed and deputized shall preserve order during hours of voting and attend the closing of the polls.

2. The city clerk may appoint a trainee for the position of election board officer as set forth in NRS 293C.222.

Sec. 69. NRS 293C.265 is hereby amended to read as follows:

293C.265 1. Except as otherwise provided in subsection 2 and in NRS 293.2725 and 293.3083, a person who registered by mail or computer to vote shall, for the first city election in which the person votes at which that registration is valid, vote in person unless he or she has previously voted in the county in which he or she is registered to vote.

2. The provisions of subsection 1 do not apply to a person who:

(a) ~~Is entitled to vote in the manner prescribed in NRS 293C.342 to 293C.352, inclusive;~~

~~—(b)—~~ Is entitled to vote ~~[an absent ballot]~~ *otherwise than in person* pursuant to federal law, ~~[NRS 293C.317]~~ or chapter 293D of NRS;

~~[(c)]~~ (b) Is disabled;

~~[(d)]~~ (c) Is provided the right to vote otherwise than in person pursuant to the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.;

~~[(e) Submits or has previously submitted a written request for an absent ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath;~~

~~—(f) Requests an absent ballot in person at the office of the city clerk;]~~ or

~~[(g)]~~ (d) Is sent a mail ballot pursuant to the provisions of ~~[NRS 293.8847]~~ *section 52 of this act* and includes a copy of the information required pursuant to paragraph (b) of subsection 1 of NRS 293.2725 with his or her voted mail ballot, if required pursuant to ~~[NRS 293.8851]~~ *section 53 of this act*.

Sec. 70. NRS 293C.2675 is hereby amended to read as follows:

293C.2675 1. If an Indian reservation or Indian colony is located in whole or in part within a city, the Indian tribe may submit a request to the city clerk for the establishment ~~[of a polling place]~~ within the boundaries of the Indian reservation or Indian colony for the day of a primary city election or general city election ~~[.]~~ of:

- (a) *A polling place;*
- (b) *A ballot drop box; or*
- (c) *Both a polling place and a ballot drop box.*

2. A request for the establishment of a polling place, *a ballot drop box or both a polling place and a ballot drop box* within the boundaries of an Indian reservation or Indian colony for the day of a primary city election or general city election:

(a) Must be submitted to the city clerk by the Indian tribe on or before:

(1) If the request is for a primary city election, ~~[the first Friday in January]~~ *March 1* of the year in which the primary city election is to be held.

(2) If the request is for a general city election, ~~[the first Friday in July]~~ *August 1* of the year in which the general city election is to be held.

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the polling place ~~[.]~~ *or ballot drop box*. Any proposed location for a polling place *or ballot drop box* must satisfy the criteria the city clerk uses for the establishment of any other polling place ~~[.]~~ *or ballot drop box, as applicable*.

3. Except as otherwise provided in this subsection, if the city clerk receives a request that satisfies the requirements set forth in subsection 2, the city clerk must establish at least one polling place *or ballot drop box* within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe for the day of a primary city election or general city election. The city clerk is not required to establish a polling place within the boundaries of the Indian reservation or Indian colony for the day of a primary city election or general city election if the city clerk established a temporary branch polling place for early voting pursuant to NRS 293C.3572 within the boundaries of the Indian reservation or Indian colony for the same election.

4. If the city clerk establishes one or more polling places *or ballot drop boxes* within the boundaries of an Indian reservation or Indian colony pursuant to subsection 3 for the day of a primary city election or general city election, the city clerk must continue to establish one or more polling places *or ballot drop boxes* within the boundaries of the Indian reservation or Indian colony at a location or locations approved by the Indian tribe for the day of any future

primary city election or general city election unless otherwise requested by the Indian tribe.

Sec. 71. NRS 293C.275 is hereby amended to read as follows:

293C.275 1. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, and 293C.272:

(a) A registered voter who applies to vote must state his or her name to the election board officer in charge of the roster; and

(b) The election board officer shall:

(1) Announce the name of the registered voter;

(2) Instruct the registered voter to sign the roster or signature card;

(3) Verify the signature of the registered voter in the manner set forth in NRS 293C.270; and

(4) Verify that the registered voter has not already voted in that city in the current election.

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the voter registration card issued to the voter.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. *For the purposes of subsection 2, the personal data of a voter may include his or her date of birth.*

Sec. 72. NRS 293C.302 is hereby amended to read as follows:

293C.302 1. If a court of competent jurisdiction orders a city to extend the deadline for voting beyond the statutory period in an election, the city clerk shall, as soon as practicable after receiving notice of the decision of the court:

(a) Cause notice of the extended period to be published in a newspaper of general circulation in the city or if no newspaper is of general circulation in that city, in a newspaper of general circulation in the nearest city; and

(b) Transmit a notice of the extended deadline to each registered voter who ~~requested an absent voter's~~ *received a mail ballot* for the election and has not returned the *mail* ballot before the date on which the notice will be transmitted.

2. The notice required pursuant to paragraph (a) of subsection 1 must be published:

(a) In a city whose population is 25,000 or more, on at least 3 successive days.

(b) In a city whose population is less than 25,000, at least twice in successive issues of the newspaper.

Sec. 73. NRS 293C.3564 is hereby amended to read as follows:

293C.3564 1. The city clerk in a city ~~{providing for early voting pursuant to subparagraph (1) of paragraph (b) of subsection 2 of NRS 293C.110}~~ shall establish at least one permanent polling place for early voting by personal appearance in the city at the locations selected pursuant to NRS 293C.3561.

2. Any person entitled to vote early by personal appearance may do so at any polling place for early voting.

Sec. 74. NRS 293C.3572 is hereby amended to read as follows:

293C.3572 1. In addition to permanent polling places for early voting, except as otherwise provided in subsection 4, the city clerk may establish temporary branch polling places for early voting pursuant to NRS 293C.3561.

2. If an Indian reservation or Indian colony is located in whole or in part within a city, the Indian tribe may submit a request to the city clerk for the establishment of a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.

3. A request for the establishment of a temporary branch polling place within the boundaries of an Indian reservation or Indian colony:

(a) Must be submitted to the city clerk by the Indian tribe on or before:

(1) If the request is for a primary city election, ~~{the first Friday in January}~~ *March 1* of the year in which the primary city election is to be held.

(2) If the request is for a general city election, ~~{the first Friday in July}~~ *August 1* of the year in which the general city election is to be held.

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the temporary branch polling place and proposed hours thereof. Any proposed location must satisfy the criteria established by the city clerk pursuant to NRS 293C.3561.

4. Except as otherwise provided in this subsection, if the city clerk receives a request that satisfies the requirements set forth in subsection 3, the city clerk must establish at least one temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony. The location and hours of operation of such a temporary branch polling place for early voting must be approved by the Indian tribe. The city clerk is not required to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony if the city clerk determines that it is not logistically feasible to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.

5. If the city clerk establishes one or more temporary branch polling places within the boundaries of an Indian reservation or Indian colony pursuant to subsection 4 for early voting, the city clerk must continue to establish one or more temporary branch polling places within the boundaries of the Indian reservation or Indian colony at a location or locations approved by the Indian tribe for early voting in future elections unless otherwise requested by the Indian tribe.

6. The provisions of subsection 3 of NRS 293C.3568 do not apply to a temporary branch polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the city clerk.

7. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

8. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

Sec. 75. NRS 293C.3585 is hereby amended to read as follows:

293C.3585 1. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, and 293C.272, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

- (a) Determine that the person is a registered voter in the county.
- (b) Instruct the voter to sign the roster for early voting or a signature card.
- (c) Verify the signature of the voter in the manner set forth in NRS 293C.270.
- (d) Verify that the voter has not already voted in that city in the current election.

2. If the signature does not match, the voter must be identified by:

- (a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;
- (b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or
- (c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the voter registration card issued to the voter.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that city in the current election.

5. The roster for early voting or signature card, as applicable, must contain:

- (a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;
- (b) The voter's precinct or voting district number, if that information is available; and
- (c) The date of voting early in person.

6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

- (a) Prepare the mechanical recording device for the voter;
- (b) Ensure that the voter's precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and
- (c) Allow the voter to cast a vote.

8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293C.292.

9. *For the purposes of subsection 2, the personal data of a voter may include his or her date of birth.*

Sec. 76. NRS 293C.3615 is hereby amended to read as follows:

293C.3615 The city clerk shall make a record of the receipt at the central counting place of each sealed container used to transport official ballots pursuant to NRS 293C.295, ~~293C.325,~~ 293C.630 and 293C.635. The record must include the numbers indicated on the container and its seal pursuant to NRS 293C.700.

Sec. 77. NRS 293C.362 is hereby amended to read as follows:

293C.362 ~~{Except as otherwise provided for an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive:}~~

1. When the polls are closed, the counting board shall prepare to count the ballots voted. The counting procedure must be public and continue without adjournment until completed.

2. If the ballots are paper ballots, the counting board shall prepare in the following manner:

(a) The container that holds the ballots or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to determine whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.

(b) If the ballots in the container or box are found to exceed the number of names as are indicated on the roster as having voted, the ballots must be replaced in the container or box and a counting board officer shall, with his or her back turned to the container or box, draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the city clerk with the other ballots rejected for any cause.

(c) When it has been determined that the number of ballots agrees with the number of names of registered voters shown to have voted, the board shall

proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.

Sec. 78. NRS 293C.365 is hereby amended to read as follows:

293C.365 Except as otherwise provided ~~[[for an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive,] in section 61 of this act,~~ a counting board in any precinct, district or polling place in which paper ballots are used may not begin to count the votes until all ballots used or unused are accounted for.

Sec. 79. NRS 293C.387 is hereby amended to read as follows:

293C.387 1. The election returns from a special election, primary city election or general city election must be filed with the city clerk, who shall immediately place the returns in a safe or vault designated by the city clerk. No person may handle, inspect or in any manner interfere with the returns until they are canvassed by the mayor and the governing body of the city.

2. After the governing body of a city receives the returns from all the precincts and districts in the city, it shall meet with the mayor to canvass the returns. The canvass must be completed on or before the 10th day following the election . ~~[[or, if applicable, the 13th day following an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive.]]~~

3. In completing the canvass of the returns, the governing body of the city and the mayor shall:

(a) Note separately any clerical errors discovered; and

(b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

4. After the canvass is completed, the governing body of the city and mayor shall declare the result of the canvass.

5. The city clerk shall enter upon the records of the governing body of the city an abstract of the result. The abstract must be prepared in the manner prescribed by regulations adopted by the Secretary of State and must contain the number of votes cast for each candidate.

6. After the abstract is entered, the:

(a) City clerk shall seal the election returns, maintain them in a vault for at least 22 months and give no person access to them during that period, unless access is ordered by a court of competent jurisdiction or by the governing body of the city.

(b) Governing body of the city shall, by an order made and entered in the minutes of its proceedings, cause the city clerk to:

(1) Certify the abstract;

(2) Make a copy of the certified abstract;

(3) Make a mechanized report of the abstract in compliance with regulations adopted by the Secretary of State;

(4) Transmit a copy of the certified abstract and the mechanized report of the abstract to the Secretary of State on or before the 10th day following the election ; ~~[[or, if applicable, the 13th day following an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive,]]~~ and

(5) Transmit on paper or by electronic means to each public library in the city, or post on a website maintained by the city or the city clerk on the Internet or its successor, if any, a copy of the certified abstract within 30 days after the election.

7. After the abstract of the results from a:

(a) Primary city election has been certified, the city clerk shall certify the name of each person nominated and the name of the office for which the person is nominated.

(b) General city election has been certified, the city clerk shall:

(1) Issue under his or her hand and official seal to each person elected a certificate of election; and

(2) Deliver the certificate to the persons elected upon their application at the office of the city clerk.

8. The officers elected to the governing body of the city qualify and enter upon the discharge of their respective duties on the first regular meeting of that body next succeeding that in which the canvass of returns was made pursuant to subsection 2.

Sec. 80. NRS 293C.390 is hereby amended to read as follows:

293C.390 1. The voted ballots, rejected ballots, spoiled ballots, challenge lists, records printed on paper of voted ballots collected pursuant to NRS 293B.400, *reports prepared pursuant to section 65 of this act* and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk. The records of voted ballots that are maintained in electronic form must, after canvass of the votes by the governing body of the city, be sealed and deposited in the vaults of the city clerk. The tally lists collected pursuant to this title must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk without being sealed. All materials described by this subsection must be preserved for at least 22 months, and all such sealed materials must be destroyed immediately after that period. A notice of the destruction must be published by the city clerk in at least one newspaper of general circulation in the city or, if no newspaper is of general circulation in that city, in a newspaper of general circulation in the nearest city, not less than 2 weeks before the destruction of the materials.

2. Unused ballots, enclosed and sealed, must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.

3. The rosters containing the signatures of those persons who voted in the election and the tally lists deposited with the governing body of the city are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the city clerk.

4. A contestant of an election may inspect all of the material relating to that election which is preserved pursuant to subsection 1 or 2, except the voted

ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the city clerk.

5. The voted ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the city clerk are not subject to the inspection of any person, except in cases of a contested election, and only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of the judge, body or board.

6. As used in this section, "vaults of the city clerk" means any place of secure storage designated by the city clerk.

Sec. 80.5. NRS 293C.527 is hereby amended to read as follows:

293C.527 1. Except as otherwise provided in NRS 293.502, 293.5772 to 293.5887, inclusive, 293D.230 and 293D.300:

(a) For a primary city election or general city election, or a recall or special city election that is held on the same day as a primary city election or general city election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary city election or general city election.

(2) By appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520, is the fourth Tuesday preceding the primary city election or general city election.

(3) By computer, if the county clerk of the county in which the city is located has established a system pursuant to NRS 293.506 for using a computer to register voters, is the Thursday preceding the primary city election or general city election, unless the system is used to register voters for the election pursuant to NRS 293.5842 or 293.5847.

(4) By computer using the system established by the Secretary of State pursuant to NRS 293.671, is the ~~[Thursday preceding]~~ day of the primary city election or general city election . ~~[, unless the system is used to register voters for the election pursuant to NRS 293.5842 or 293.5847.]~~

(b) If a recall or special city election is not held on the same day as a primary city election or general city election, the last day to register to vote for the recall or special city election by any method of registration is the third Saturday preceding the recall or special city election.

2. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, after the deadlines for the close of registration for a primary city election or general city election set forth in subsection 1, no person may register to vote for the election.

3. Except for a recall or special city election held pursuant to chapter 306 or 350 of NRS:

(a) The city clerk of each city shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the city indicating:

(1) The day and time that each method of registration for the election, as set forth in subsection 1, will be closed; and

(2) If the city clerk has designated a municipal facility pursuant to NRS 293C.520, the location of that facility.

↪ If no newspaper is of general circulation in that city, the publication may be made in a newspaper of general circulation in the nearest city in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the day on which the last method of registration for the election, as set forth in subsection 1, will be closed.

4. A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520.

Sec. 81. NRS 293C.640 is hereby amended to read as follows:

293C.640 1. To facilitate the processing and computation of votes cast at an election conducted under a mechanical voting system, the city clerk shall create a computer program and processing accuracy board, and may create:

- (a) A central ballot inspection board;
- (b) ~~[An absent]~~ A mail ballot ~~[mailing precinct]~~ inspection board;
- (c) A ballot duplicating board;
- (d) A ballot processing and packaging board; and
- (e) Such additional boards or appoint such officers as the city clerk deems necessary for the expeditious processing of ballots.

2. Except as otherwise provided in subsection 3, the city clerk may determine the number of members to constitute any board. The city clerk shall make any appointments from among competent persons who are registered voters in this State. The same person may be appointed to more than one board but must meet the qualifications for each board to which he or she is appointed.

3. If the city clerk creates a ballot duplicating board, the city clerk shall appoint to the board at least two members. The members of the ballot duplicating board must not all be of the same political party.

4. All persons appointed pursuant to this section serve at the pleasure of the city clerk.

Sec. 82. NRS 293C.700 is hereby amended to read as follows:

293C.700 1. Each container used to transport official ballots pursuant to NRS 293C.295, ~~[293C.325,]~~ 293C.630 and 293C.635 must:

- (a) Be constructed of metal or any other rigid material; and
- (b) Contain a seal which is placed on the container to ensure detection of any opening of the container.

2. The container and seal must be separately numbered for identification.

Sec. 83. NRS 293C.720 is hereby amended to read as follows:

293C.720 Each city clerk is encouraged to:

1. Not later than the earlier date of the first notice provided pursuant to subsection 3 of NRS 293.560 or NRS 293C.187, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293C.281, 293C.282 ~~[, 293C.310, 293C.317 and 293C.318.]~~ and section 51 of this act.

2. Provide in alternative audio and visual formats information concerning elections, information concerning how to preregister or register to vote and information concerning the manner of voting for use by a person who is elderly or disabled, including, without limitation, providing such information through a telecommunications device that is accessible to a person who is deaf.

3. Not later than 5 working days after receiving the request of a person who is elderly or disabled, provide to the person, in a format that can be used by the person, any requested material that is:

(a) Related to elections; and

(b) Made available by the city clerk to the public in printed form.

Sec. 84. NRS 293D.300 is hereby amended to read as follows:

293D.300 1. A covered voter who is registered to vote in this State may apply for a military-overseas ballot by submitting a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301(b)(2), or the application's electronic equivalent, if the federal postcard application is received by the appropriate local elections official by the seventh day before the election.

2. A covered voter who is not registered to vote in this State may use the federal postcard application or the application's electronic equivalent simultaneously to apply to register to vote pursuant to NRS 293D.230 and to apply for a military-overseas ballot, if the federal postcard application is received by the appropriate local elections official by the seventh day before the election. If the federal postcard application is received after the seventh day before the election, it must be treated as an application to register to vote for subsequent elections.

3. The Secretary of State shall ensure that the system of approved electronic transmission described in subsection 2 of NRS 293D.200 is capable of accepting the submission of:

(a) Both a federal postcard application and any other approved electronic military-overseas ballot application sent to the appropriate local elections official; and

(b) A digital signature or an electronic signature of a covered voter on the documents described in paragraph (a).

4. A covered voter may use approved electronic transmission or any other method approved by the Secretary of State to apply for a military-overseas ballot.

5. A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20303, as an application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the appropriate local elections official by the seventh day before the election.

6. To receive the benefits of this chapter, a covered voter must inform the appropriate local elections official that he or she is a covered voter. Methods

of informing the appropriate local elections official that a person is a covered voter include, without limitation:

(a) The use of a federal postcard application or federal write-in absentee ballot;

(b) The use of an overseas address on an approved voting registration application or ballot application; and

(c) The inclusion on an application to register to vote or an application for a military-overseas ballot of other information sufficient to identify that the person is a covered voter.

7. This chapter does not prohibit a covered voter from ~~applying for an absent~~ *voting a mail* ballot pursuant to the provisions of chapter 293 or 293C of NRS or voting in person.

Sec. 84.5. NRS 294A.300 is hereby amended to read as follows:

294A.300 1. Except as otherwise provided in this section, it is unlawful for a member of the Legislature, the Lieutenant Governor, the Lieutenant Governor-Elect, the Governor, ~~for~~ the Governor-Elect, the Secretary of State, the Secretary of State-Elect, the State Treasurer, the State Treasurer-Elect, the State Controller, the State Controller-Elect, the Attorney General or the Attorney General-Elect to solicit or accept any monetary contribution, or solicit or accept a commitment to make such a contribution for any political purpose during the period beginning:

(a) Thirty days before a regular session of the Legislature and ending 30 days after the final adjournment of a regular session of the Legislature;

(b) Fifteen days before a special session of the Legislature is set to commence and ending 15 days after the final adjournment of a special session of the Legislature, if:

(1) The Governor sets a specific date for the commencement of the special session that is more than 15 days after the date on which the Governor issues the proclamation calling for the special session pursuant to Section 9 of Article 5 of the Nevada Constitution; or

(2) The members of the Legislature set a date on or before which the Legislature is to convene the special session that is more than 15 days after the date on which the Secretary of State receives one or more substantially similar petitions signed, in the aggregate, by the required number of members calling for the special session pursuant to Section 2A of Article 4 of the Nevada Constitution; or

(c) The day after:

(1) The date on which the Governor issues the proclamation calling for the special session and ending 15 days after the final adjournment of the special session if the Governor sets a specific date for the commencement of the special session that is 15 or fewer days after the date on which the Governor issues the proclamation calling for the special session; or

(2) The date on which the Secretary of State receives one or more substantially similar petitions signed, in the aggregate, by the required number of members of the Legislature calling for the special session and ending

15 days after the final adjournment of the special session if the members set a date on or before which the Legislature is to convene the special session that is 15 or fewer days after the date on which the Secretary of State receives the petitions.

2. Except as otherwise provided in this section, a person shall not make or commit to make a contribution or commitment prohibited by subsection 1.

3. This section does not prohibit the payment of a salary or other compensation or income to a member of the Legislature, the Lieutenant Governor, ~~for~~ the Governor, the Secretary of State, the State Treasurer, the State Controller or the Attorney General during the period set forth in subsection 1 if it is made for services provided as a part of his or her regular employment or is additional income to which he or she is entitled.

4. This section does not apply to any monetary contribution or commitment to make such a contribution that may be given to or accepted by a person pursuant to NRS 294A.115. The provisions of this subsection do not authorize:

(a) A person to accept or solicit a contribution, or solicit or accept a commitment to make such a contribution, other than a contribution authorized pursuant to NRS 294A.115.

(b) A person to make or commit to make a contribution other than a contribution authorized pursuant to NRS 294A.115.

5. As used in this section, "political purpose" includes, without limitation, the establishment of, or the addition of money to, a legal defense fund.

Sec. 85. NRS 298.250 is hereby amended to read as follows:

298.250 1. If a former resident of the State of Nevada otherwise qualified to vote in another state in any election for President and Vice President of the United States has commenced his or her residence in the other state after the 30th day next preceding that election and for this reason does not satisfy the requirements for registration in the other state, the former resident may vote for President and Vice President only in that election:

(a) In person in the county of the State of Nevada which was his or her former residence, if the former resident is otherwise qualified to vote there; or

(b) By ~~absent~~ mail ballot in the county of the State of Nevada which was his or her former residence, if the former resident is otherwise qualified to vote there and complies with the applicable requirements of ~~[NRS 293.3088 to 293.340, inclusive.]~~ sections 3 to 15, inclusive, of this act.

2. The Secretary of State may, in a manner consistent with the election laws of this State, adopt regulations to effectuate the purposes of this section.

Sec. 86. NRS 306.040 is hereby amended to read as follows:

306.040 1. Upon determining that the number of signatures on a petition to recall is sufficient pursuant to NRS 293.1276 to 293.1279, inclusive, the Secretary of State shall notify the county clerk, the filing officer and the public officer who is the subject of the petition.

2. A person who signs a petition to recall may request the filing officer to strike the person's name from the petition on or before the date that is the later of:

(a) Ten days, Saturdays, Sundays and holidays excluded, after the verification of signatures is complete; or

(b) The date a complaint is filed pursuant to subsection 6.

3. If the filing officer receives a request pursuant to subsection 2, the filing officer must strike the name of the person from the petition. If the filing officer receives a sufficient number of requests to strike names from the petition such that the petition no longer contains enough valid signatures, the filing officer shall not issue a call for a special election, and a special election must not be held to recall the public officer who is the subject of the petition.

4. Except as otherwise provided in subsection 3, not sooner than 20 days and not later than 30 days, Saturdays, Sundays and holidays excluded, after the Secretary of State completes the notification required by subsection 1, if a complaint is not filed pursuant to subsection 6, the filing officer shall issue a call for a special election in the jurisdiction in which the public officer who is the subject of the petition was elected to determine whether the people will recall the public officer.

5. The call for a special election pursuant to subsection 4 or 7 must include, without limitation:

(a) The last day on which a person may register to vote in order to qualify to vote in the special election pursuant to NRS 293.560 or 293C.527; and

(b) The last day on which a petition to nominate other candidates for the office may be filed. ~~and~~

~~—(c) Whether any person is entitled to vote in the special election in a mailing precinct or an absent ballot mailing precinct pursuant to NRS 293.343 to 293.355, inclusive, or 293C.342 to 293C.352, inclusive.~~

6. The legal sufficiency of the petition, including without limitation, the validity of signatures on the petition, may be challenged by filing a complaint in district court not later than 15 days, Saturdays, Sundays and holidays excluded, after the Secretary of State completes the notification required by subsection 1. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than 30 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.

7. Upon the conclusion of the hearing, if the court determines that the petition is legally sufficient, it shall order the filing officer to issue a call for a special election in the jurisdiction in which the public officer who is the subject of the petition was elected to determine whether the people will recall the public officer. If the court determines that the petition is not legally sufficient, it shall order the filing officer to cease any further proceedings regarding the petition.

Sec. 86.5. NRS 218H.930 is hereby amended to read as follows:

218H.930 1. A lobbyist shall not knowingly or willfully make any false statement or misrepresentation of facts:

(a) To any member of the Legislative Branch in an effort to persuade or influence the member in any legislative action.

(b) In a registration statement or report concerning lobbying activities filed with the Director.

2. A lobbyist shall not knowingly or willfully give any gift to a member of the Legislative Branch or a member of his or her immediate family or otherwise directly or indirectly arrange, facilitate or serve as a conduit for such a gift, whether or not the Legislature is in a regular or special session.

3. A member of the Legislative Branch or a member of his or her immediate family shall not knowingly or willfully solicit or accept any gift from a lobbyist, whether or not the Legislature is in a regular or special session.

4. A client of a lobbyist shall not make that lobbyist's compensation or reimbursement contingent in any manner upon the outcome of any legislative action.

5. Except during the period permitted by NRS 218H.200, a person shall not knowingly act as a lobbyist without being registered as required by that section, unless the person qualifies for an exemption or exception from the requirements to register as a lobbyist pursuant to any regulations adopted in accordance with NRS 218H.500.

6. Except as otherwise provided in subsection 7, a member of the Legislative or Executive Branch of the State Government and an elected officer or employee of a political subdivision shall not receive compensation or reimbursement other than from the State or the political subdivision for personally engaging in lobbying.

7. An elected officer or employee of a political subdivision may receive compensation or reimbursement from any organization whose membership consists of elected or appointed public officers.

8. A lobbyist shall not instigate the introduction of any legislation for the purpose of obtaining employment to lobby in opposition to that legislation.

9. A lobbyist shall not make, commit to make or offer to make a monetary contribution to a Legislator, the Lieutenant Governor, the Lieutenant Governor-elect, the Governor, ~~for~~ the Governor-elect, the Secretary of State, the Secretary of State-elect, the State Treasurer, the State Treasurer-elect, the State Controller, the State Controller-elect, the Attorney General or the Attorney General-elect during the period set forth in subsection 1 of NRS 294A.300 unless such act is otherwise authorized pursuant to subsection 4 of NRS 294A.300.

Sec. 87. NRS 247.540 is hereby amended to read as follows:

247.540 1. The following persons may request that the personal information described in subsection 1, 2 or 3 of NRS 247.520 that is contained in the records of a county recorder be kept confidential:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master in this State.

(d) Any clerk of a court, court administrator or court executive officer in this State.

(e) *Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed such county or city clerk or registrar of voters in the elections division of the county or city.*

(f) Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:

- (1) Crimes that are punishable as category A felonies; or
- (2) Domestic violence.

~~[(f)]~~ (g) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:

- (1) Crimes that are punishable as category A felonies; or
- (2) Domestic violence.

~~[(g)]~~ (h) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

- (1) Interacts with the public; and

(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

~~[(h)]~~ (i) Any county manager in this State.

~~[(i)]~~ (j) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

- (1) Who possesses specialized training in code enforcement;
- (2) Who, as part of his or her normal job responsibilities, interacts with the public; and
- (3) Whose primary duties are the performance of tasks related to code enforcement.

~~[(j)]~~ (k) The spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~[(i)]~~ (j), inclusive.

~~[(k)]~~ (l) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~[(i)]~~ (j), inclusive, who was killed in the performance of his or her duties.

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 247.520 that is contained in the records of a county recorder be kept confidential.

3. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) "Social worker" means any person licensed under chapter 641B of NRS. Sec. 88. NRS 250.140 is hereby amended to read as follows:

250.140 1. The following persons may request that personal information described in subsection 1, 2 or 3 of NRS 250.120 that is contained in the records of a county assessor be kept confidential:

- (a) Any justice or judge in this State.
- (b) Any senior justice or senior judge in this State.
- (c) Any court-appointed master in this State.
- (d) Any clerk of a court, court administrator or court executive officer in this State.

(e) *Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by such county or city clerk or registrar of voters in the elections division of the county or city.*

(f) Any peace officer or retired peace officer.

~~[(f)]~~ (g) Any prosecutor.

~~[(g)]~~ (h) Any state or county public defender.

~~[(h)]~~ (i) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities interacts with the public and performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

~~[(i)]~~ (j) Any county manager in this State.

~~[(j)]~~ (k) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer who possesses specialized training in code enforcement, interacts with the public and whose primary duties are the performance of tasks related to code enforcement.

~~[(k)]~~ (l) The spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~[(j)]~~ (k), inclusive.

~~[(l)]~~ (m) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~[(j)]~~ (k), inclusive, who was killed in the performance of his or her duties.

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 250.120 that is contained in the records of a county assessor be kept confidential.

3. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) "Peace officer" means:

(1) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and

(2) Any person:

(I) Who resides in this State;

(II) Whose primary duties are to enforce the law; and

(III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.

(e) "Prosecutor" has the meaning ascribed to it in NRS 241A.030.

(f) "Social worker" means any person licensed under chapter 641B of NRS. Sec. 89. NRS 481.091 is hereby amended to read as follows:

481.091 1. The following persons may request that the Department display an alternate address on the person's driver's license, commercial driver's license or identification card:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master in this State.

(d) Any clerk of the court, court administrator or court executive officer in this State.

(e) Any prosecutor who as part of his or her normal job responsibilities prosecutes persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(g) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

(1) Interacts with the public; and

(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

(h) Any county manager in this State.

(i) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

(1) Who possesses specialized training in code enforcement;

(2) Who, as part of his or her normal job responsibilities, interacts with the public; and

(3) Whose primary duties are the performance of tasks related to code enforcement.

(j) *Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by the county or city clerk or registrar of voters in the elections division of the county or city.*

(k) The spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~{{(i)}} (j)~~, inclusive.

~~{{(k)}} (l)~~ The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~{{(i)}} (j)~~, inclusive, who was killed in the performance of his or her duties.

2. A person who wishes to have an alternate address displayed on his or her driver's license, commercial driver's license or identification card pursuant to this section must submit to the Department satisfactory proof:

(a) That he or she is a person described in subsection 1; and

(b) Of the person's address of principal residence and mailing address, if different from the address of principal residence.

3. A person who obtains a driver's license, commercial driver's license or identification card that displays an alternate address pursuant to this section may subsequently submit a request to the Department to have his or her address of principal residence displayed on his or her driver's license, commercial driver's license or identification card instead of the alternate address.

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

5. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) "Social worker" means any person licensed under chapter 641B of NRS.

Sec. 89.5. 1. There is hereby appropriated from the State General Fund to the Office of the Secretary of State for the costs of ballot stock, postage and postcard notifications to carry out the provisions of this act the following sums:

For the Fiscal Year 2021-2022.....\$6,286,844

For the Fiscal Year 2022-2023.....\$5,998,138

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2022, and September 15, 2023, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2022, and September 15, 2023, respectively.

Sec. 90. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 91. NRS 293.013, 293.015, 293.213, 293.230, 293.235, 293.243, 293.262, 293.3088, 293.309, 293.3095, 293.310, 293.313, 293.315, 293.316, 293.3165, 293.317, 293.320, 293.323, 293.325, 293.329, 293.330, 293.333, 293.335, 293.340, 293.343, 293.345, 293.350, 293.352, 293.353, 293.355, 293.3673, 293.384, 293.385, 293.8801, 293.8804, 293.8807, 293.8811, 293.8814, 293.8817, 293.8821, 293.8824, 293.8827, 293.8831, 293.8834, 293.8837, 293.8841, 293.8844, 293.8847, 293.8851, 293.8854, 293.8857, 293.8861, 293.8864, 293.8871, 293.8874, 293.8877, 293.8881, 293.8884, 293.8887, 293B.370, 293C.230, 293C.240, 293C.245, 293C.256, 293C.304, 293C.305, 293C.306, 293C.307, 293C.310, 293C.312, 293C.317, 293C.318, 293C.319, 293C.320, 293C.322, 293C.325, 293C.327, 293C.328, 293C.329, 293C.330, 293C.332, 293C.335, 293C.340, 293C.342, 293C.345, 293C.347, 293C.349, 293C.350, 293C.352, 293C.368, 293C.382, 293C.385 and 293C.650 are hereby repealed.

Sec. 92. 1. This section becomes effective upon passage and approval.

2. Section 89.5 of this act becomes effective on July 1, 2021.

3. Sections 1 to 89, inclusive, and 90 and 91 of this act become effective:

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

(b) On January 1, 2022, for all other purposes.

LEADLINES OF REPEALED SECTIONS

293.013 "Absent ballot" defined.

293.015 "Absent voter" defined.

293.213 Mailing precincts; absent ballot mailing precincts.

293.230 Appointment of single central election board for mailing precincts.

293.235 Appointment and duties of absent ballot central counting board; no central election board if absent ballot central counting board appointed.

293.243 Number of officers on absent ballot central counting board; appointment of deputy sheriff; absent ballot central counting board under direction of county clerk.

293.262 Absent ballot or ballot voted in mailing precinct: Methods in which ballot is to be voted.

293.3088 "Sufficient written notice" defined.

293.309 Absent ballots: Preparation; reasonable accommodations for use by persons who are elderly or disabled; time for distribution; mootness of untimely legal actions which would prevent distribution.

293.3095 Distribution of forms to request absent ballots.

293.310 Request and receipt of absent ballot allows voting only by absent ballot; exception; county clerk to notify election board if absent ballot issued.

293.313 General procedure to request absent ballot; elections to which request applies; fraud or coercion in obtaining absent ballot prohibited; penalty.

293.315 Request for absent ballot available for public inspection; immunity of county clerk for allowing such inspection.

293.316 Specialized procedure to request absent ballot because of illness, disability or absence under certain circumstances; requirements for issuing, voting and returning such absent ballot.

293.3165 Specialized procedure to request absent ballot for all elections at which registered voter is eligible to vote; requirements for issuing, voting and returning such absent ballot.

293.317 Procedure for timely returning absent ballot; treatment of absent ballot when postmark cannot be determined.

293.320 County clerk to determine if person requesting absent ballot is registered voter.

293.323 Delivery of absent ballot and voting supplies; return of absent ballot; recordation of certain information by county clerk; regulations.

293.325 Duties of county clerk upon return of absent ballots: Procedure for checking signature; safeguarding and delivery of absent ballots for counting; procedure for contacting voter to remedy certain defects in returned absent ballot.

293.329 Unlawful to mark and sign absent ballot on behalf of voter or assist voter to mark and sign absent ballot; exceptions.

293.330 Procedure for voting by absent ballot; procedure for voting in person after absent ballot requested; persons authorized to return absent ballot; unlawful acts relating to return of absent ballot; penalty.

293.333 Procedure for depositing absent ballots in ballot box; period for counting of absent ballots.

293.335 Empty envelopes and rejected absent ballots to be returned to county clerk.

293.340 Duty of county clerk to provide ballot box for each ballot listing if absent ballot central counting board appointed; deposit of voted ballots.

293.343 Eligibility of certain voters to vote in mailing precincts; effect of county clerk designating precinct as mailing precinct; designation of polling places where voters in mailing precincts may vote in person.

293.345 Distribution of mailing ballots; notice of designated polling places where voters in mailing precincts may vote in person; mootness of untimely legal actions which would prevent distribution.

293.350 Enrollment of eligible voter's name; procedure for mailing of ballot and voting supplies by county clerk.

293.352 Unlawful to mark and sign mailing ballot on behalf of voter or assist voter to mark and sign mailing ballot; exceptions.

293.353 Procedure for voting by mailing ballot; procedure for voting in person after receipt of mailing ballot; persons authorized to return mailing ballot; unlawful acts relating to return of mailing ballot; penalty.

293.355 Duties of county clerk upon return or voting in person of mailing ballots; applicability of procedures governing absent ballots.

293.3673 Errors in information on certain form not grounds for rejection of absent ballot.

293.384 Initial withdrawal of absent ballots from ballot boxes; verification of proper number of absent ballots; procedure for counting.

293.385 Withdrawal of absent ballots from ballot boxes after initial withdrawal; verification of proper number and counting of absent ballots; reporting results of count; disseminating information about count before polls close prohibited; penalty.

293.8801 Legislative findings and declaration.

293.8804 Definitions.

293.8807 "Active registered voter" or "voter" defined.

293.8811 "Affected election" or "election" defined.

293.8814 "Mail ballot" defined.

293.8817 "Vote center" defined.

293.8821 Certain elections deemed affected elections; authority of Governor to order that certain elections deemed affected elections.

293.8824 Provisions governing affected elections supersede and preempt conflicting elections provisions; applicability of nonconflicting elections provisions and military-overseas absentee voting acts.

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293.8844 Preparation and distribution of mail ballots and supporting materials; ballot contents; time for distribution; mootness of untimely legal actions which would prevent distribution.

293.8847 Methods of distribution and other requirements for mail ballots and supporting materials; recordation of certain information by clerk.

293.8851 Requirements for mail ballots distributed to certain voters who have not previously voted in election for federal office in Nevada; exceptions; treatment as provisional ballot under certain circumstances.

293.8854 Procedure for voting by mail ballot; procedure for voting in person after mail ballot sent to voter.

293.8857 Unlawful to mark and sign mail ballot on behalf of voter or assist voter to mark and sign mail ballot; exceptions.

293.8861 Procedure for timely returning mail ballot; treatment of mail ballot when postmark cannot be determined; requirements for ballot drop boxes.

293.8864 Persons authorized to return mail ballot; unlawful acts relating to return of mail ballot; penalty.

293.8871 Establishment of procedures for processing and counting mail ballots.

293.8874 Duties of clerk upon return of mail ballots: Procedure for checking signature; safeguarding and delivery of mail ballots for counting; procedure for contacting voter to remedy certain defects in returned mail ballot.

293.8877 Appointment and membership of mail ballot central counting board; board under direction of clerk.

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293.8887 Certification and reporting of mail ballot results; secrecy of mail ballots; unlawful to disseminate information about mail ballot results before polls close and all votes cast on election day; penalty.

293B.370 Duties of absent ballot mailing precinct inspection board.

293C.230 Appointment of single central election board for mailing precincts.

293C.240 Appointment and duties of absent ballot central counting board; no central election board if absent ballot central counting board appointed.

293C.245 Appointment and number of officers on absent ballot central counting board; appointment of law enforcement officers; absent ballot central counting board under direction of city clerk.

293C.256 Absent ballot or ballot voted in mailing precinct to be voted on paper ballot.

293C.304 "Sufficient written notice" defined.

293C.305 Absent ballots: Preparation; reasonable accommodations for use by persons who are elderly or disabled; time for distribution; mootness of untimely legal actions which would prevent distribution.

293C.306 Distribution of forms to request absent ballot.

293C.307 Request and receipt of absent ballot allows voting only by absent ballot; exception; city clerk to notify election board if absent ballot issued.

293C.310 General procedure to request absent ballot; elections to which request applies; fraud or coercion in obtaining absent ballot prohibited; penalty.

293C.312 Request for absent ballot available for public inspection; immunity of city clerk for allowing such inspection.

293C.317 Specialized procedure to request absent ballot because of illness, disability or absence under certain circumstances; requirements for issuing, voting and returning such absent ballot.

293C.318 Specialized procedure to request absent ballot for all elections at which registered voter is eligible to vote; requirements for issuing, voting and returning such absent ballot.

293C.319 Procedure for timely returning absent ballot; treatment of absent ballot when postmark cannot be determined.

293C.320 City clerk to determine if person requesting absent ballot is registered voter.

293C.322 Delivery of absent ballot and voting supplies; return of absent ballot; recordation of certain information by city clerk; regulations.

293C.325 Duties of city clerk upon return of absent ballots: Procedure for checking signature; safeguarding and delivery of absent ballots for counting; procedure for contacting voter to remedy certain defects in returned absent ballot.

293C.327 Voting absent ballot in person in city clerk's office.

293C.328 Electioneering prohibited near city clerk's office during period office maintained for voting absent ballot in person; penalty.

293C.329 Unlawful to mark and sign absent ballot on behalf of voter or assist voter to mark and sign absent ballot; exceptions.

293C.330 Procedure for voting by absent ballot; procedure for voting in person after absent ballot requested; persons authorized to return absent ballot; unlawful acts relating to return of absent ballot; penalty.

293C.332 Procedure for depositing absent ballots in ballot box; period for counting of absent ballots.

293C.335 Empty envelopes and rejected absent ballots to be returned to city clerk.

293C.340 Duty of city clerk to provide ballot box for each ballot listing if absent ballot central counting board appointed; deposit of voted ballots.

293C.342 Eligibility of certain voters to vote in mailing precincts; effect of city clerk designating precinct as mailing precinct.

293C.345 Distribution of mailing ballots; mootness of untimely legal actions which would prevent distribution.

293C.347 Enrollment of eligible voter's name; procedure for mailing of ballot and voting supplies by city clerk.

293C.349 Unlawful to mark and sign mailing ballot on behalf of voter or assist voter to mark and sign mailing ballot; exceptions.

293C.350 Procedure for voting by mailing ballot; persons authorized to return mailing ballot; unlawful acts relating to return of mailing ballot; penalty.

293C.352 Duties of city clerk upon return of mailing ballots; applicability of procedures governing absent ballots.

293C.368 Errors in information on certain form not grounds for rejection of absent ballot.

293C.382 Initial withdrawal of absent ballots from ballot boxes; verification of proper number of absent ballots; procedure for counting.

293C.650 Duties of absent ballot mailing precinct inspection board.

293C.385 Withdrawal of absent ballots from ballot boxes after initial withdrawal; verification of proper number and counting of absent ballots; reporting results of count; disseminating information about count before polls close prohibited; penalty.

Senator Settelmeyer moved the adoption of the amendment.

Remarks by Senator Settelmeyer.

The concept of Amendment No. 829 to Assembly Bill No. 321 is to create parity within all of the Constitutional Officers. Some Officers have the ability to raise funds during a Legislative Session; they are not under a blackout period. I find that to be improper, especially when some of these individuals have far more bill drafts than other Legislators who have a blackout period. The amendment seeks to ensure all Constitutional Officers must obey the blackout period of the Nevada Legislature and not raise funds during said timeframe.

Senators Settelmeyer, Hardy and Pickard requested a roll call vote on Senator Settelmeyer's motion.

Roll call on Senator Settelmeyer's motion:

YEAS—10.

NAYS—Brooks, Cannizzaro, Denis, Donate, Dondero Loop, Harris, Neal, Ohrenschall, Ratti, Scheible, Spearman—11.

The motion having failed to receive a majority vote, Madam President declared it lost.

The following amendment was proposed by Senator Cannizzaro:

Amendment No. 839.

SUMMARY—Revises provisions relating to elections. (BDR 24-927)

AN ACT relating to elections; establishing procedures for the use of mail ballots in every election; establishing various requirements relating to mail ballots; revising the requirements for signature verification of mail ballots; revising the deadline to submit a request for the establishment of a polling place within an Indian reservation or Indian colony for an election; revising the personal data that may be requested if a voter's signature is challenged at the polls; requiring the Secretary of State to enter into a cooperative agreement with the State Registrar of Vital Statistics to obtain certain information relating to the statewide voter registration list; authorizing a county clerk, city clerk or registrar of voters and deputies thereof charged with powers and duties relating to elections to request certain personal information be maintained in a confidential manner; revising provisions relating to the withdrawal of a petition for initiative or referendum; repealing provisions related to absent ballots, mailing ballots and affected elections; providing a penalty; making an appropriation; and providing other matters properly relating thereto.
Legislative Counsel's Digest:

Existing law authorizes a registered voter to request an absent ballot to vote at an election and sets forth various requirements and procedures to be used for voting and processing absent ballots. (NRS 293.3088-293.340, 293C.304-293C.340) Existing law also provides that a county or city clerk may designate certain election precincts as mailing precincts or absent ballot mailing precincts and all registered voters who live in such an election precinct

are mailed a mailing ballot and may vote by mailing ballot. (NRS 293.343-293.355, 293C.342-293C.352) Existing law further provides that for elections that are affected by certain emergencies or disasters, the county and city clerks are required to mail each registered voter a mail ballot and sets forth requirements and procedures to be used for mail ballots. (NRS 293.8801-293.8887) Section 91 of this bill repeals the existing provisions for absent ballots, mailing ballots and mail ballots. Sections 2, 3-17 and 51-63 of this bill: (1) require the county and city clerks to send each active registered voter and each person who registers to vote or updates his or her voter registration information not later than 14 days before an election a mail ballot for all elections; and (2) reenact, with certain changes, various requirements relating to the preparation and distribution of mail ballots and procedures for voting, returning, verifying and counting mail ballots. Sections 18-24, 30-33, 35-45, 47-49, 66-69, 72, 73, 76-79 and ~~81-86~~ 81-84, 85 and 86 of this bill make conforming changes to revise references to absent ballots, mailing ballots and mail ballots for affected elections.

Sections 3 and 51 of this bill provide that a voter may elect not to receive a mail ballot by submitting a written notice to the county or city clerk which must be received by the county or city clerk, as applicable, not later than 60 days before the day of the election.

Sections 2.2 and 2.4 of this bill require the county clerk to establish a minimum number of polling places for primary elections and general elections in the county for early voting by personal appearance and polling places for voting on the day of the election based on the population of the county.

Existing law provides that an absent ballot or mail ballot that is mailed to the county or city clerk must be postmarked on or before the day of the election and received by 5 p.m. on the seventh day following the election. (NRS 293.317, 293.8861, 293C.319) Sections 8 and 56 of this bill revise this deadline to instead require a mail ballot that is mailed to the county or city clerk to be received by 5 p.m. on the fourth day following an election. Sections 8 and 56 also require the county and city clerk to establish ballot drop boxes at every polling location in the county or city, as applicable. Section 45 of this bill makes it a category E felony for a person other than a county clerk or city clerk to establish a ballot drop box.

Existing law establishes a process for county and city clerks to verify signatures on absent ballots, mailing ballots and mail ballots. (NRS 293.325, 293.355, 293.8874, 293C.325, 293C.352) Sections 11 and 59 of this bill authorize the county and city clerks to review the signature of a voter manually or by electronic means and establish requirements for an electronic device to verify the signature of a voter.

Sections 16 and 64 of this bill require each county clerk and city clerk and all members of their staff whose duties include administering an election to complete a class on forensic signature verification that is approved by the Secretary of State at least once each year. Sections 17 and 65 of this bill provide that if a county or city clerk uses an electronic device to verify

signatures on mail ballots, the clerk must: (1) conduct a test of the accuracy of every electronic device before the election; (2) perform daily audits of the electronic device during the processing of ballots for the election; and (3) prepare an audit report. Sections 34 and 80 of this bill require the audit reports to be deposited in the vaults of the county or city with other election materials.

Existing law allows a voter who has failed to affix his or her signature on an absent, mailing or mail ballot or for whom there is a reasonable question of fact as to whether the signature used for the absent, mailing or mail ballot matches the signature of the voter to provide a signature or confirmation not later than 5 p.m. on the seventh day following an election or the ninth day following an affected election. (NRS 293.325, 293.355, 293.8874, 293C.325, 293C.352) Sections 11 and 59 revise this deadline to require a voter to provide a signature or confirmation by the sixth day following an election. Sections 11 and 59 also establish methods by which the county or city clerk may verify the identity of a voter for whom there is a reasonable question of fact as to whether the signature used on his or her mailing ballot matches the voter's signature.

Existing law requires certain persons who register to vote to show certain proof of identity and residency the first time voting in an election for federal office in this State. A person who registers to vote at the Department of Motor Vehicles using the process commonly known as the Automatic Voter Registration System is not required to show proof of identity or residency the first time voting in an election for federal office in this State if the person presented to the Department of Motor Vehicles certain proof of identity and residency. (NRS 293.2725, 293.5742) Section 25 of this bill makes a technical change to clarify that a person who registers to vote at the Department of Motor Vehicles using the Automatic Voter Registration System is not required to show proof of identity or residency the first time voting in an election for federal office in this State if the person presented to the Department of Motor Vehicles certain proof of identity and residency.

Existing law authorizes an Indian tribe to submit a request for the establishment of a polling place within the boundaries of an Indian reservation or Indian colony, which must be submitted by the first Friday in January for a primary election and the first Friday in July for a general election. (NRS 293.2733, 293.3572, 293C.2675, 293C.3572) Sections 26, 28, 70 and 74 of this bill revise the deadline for the request for the establishment of a polling place within the boundaries of an Indian reservation or Indian colony for early voting and the day of a primary election or general election to March 1 for a primary election and August 1 for a general election. Sections 26 and 70 also authorize an Indian tribe to submit a request for the establishment of a ballot drop box within the boundaries of an Indian reservation or Indian colony by the same deadlines.

Existing law provides that if the signature of a voter who appears to vote in person at the polls does not match the voter's signature on file, the voter must be identified by answering questions covering the personal data reported on an application to register to vote or providing other personal data. (NRS 293.285,

293.3585, 293C.275, 293C.3585) Sections 27, 29, 71 and 75 of this bill provide that the questions covering the personal data of a voter may include the voter's date of birth.

Existing law authorizes a person to register to vote through the Thursday preceding the day of the election by submitting an application to register to vote by computer using the system established by the Secretary of State before the person appears at a polling place to vote in person using a provisional ballot. (NRS 293.560, 293.5837, 293C.527) Sections 42.5, 43 and 80.5 of this bill extend this deadline to allow a person to register to vote using this method through the day of the election.

Existing law requires the Secretary of State to establish and maintain the statewide voter registration list. (NRS 293.675) Section 44 of this bill requires the Secretary of State to enter into a cooperative agreement with the State Registrar of Vital Statistics to match information in the statewide voter registration list with the records from the State Registrar of Vital Statistics concerning the death of residents of the State to maintain the statewide voter registration list.

Existing law authorizes certain persons to obtain a court order to require a county assessor, county recorder, county clerk, city clerk or Secretary of State to maintain the personal information of the person contained in their records in a confidential manner. (NRS 247.530, 247.540, 250.130, 250.140, 293.908) Sections 46, 87 and 88 of this bill authorize a county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by the county or city clerk or registrar of voters in the elections division to request a court order to require a county assessor, county recorder, county clerk, city clerk or the Secretary of State maintain the personal information of the person contained in their records in a confidential manner.

Existing law authorizes, under certain circumstances, a petition for initiative or referendum to be withdrawn. Once a petition for initiative or referendum is withdrawn, no further action may be taken on that petition. (NRS 295.026) Section 84.5 of this bill provides that a notice of withdrawal of: (1) a petition for initiative that proposes a statute or an amendment to a statute must be submitted to the Secretary of State not later than 90 days before the election at which the question of approval or disapproval of the initiative will appear on the ballot; (2) a petition for initiative that proposes an amendment to the Constitution must be submitted to the Secretary of State not later than 90 days before the first election at which the question of approval or disapproval of the initiative will appear on the ballot; or (3) a petition for referendum must be submitted to the Secretary of State not later than 90 days before the election at which the question of approval or disapproval of the referendum will appear on the ballot.

Existing law authorizes certain persons to request that the Department of Motor Vehicles display an alternate address on the person's driver's license, commercial driver's license or identification card. (NRS 481.091) Section 89 of this bill authorizes a county clerk, city clerk, registrar of voters charged with

powers and duties related to elections and any deputy in the elections division of the county or city to also request that the Department display an alternate address on the person's driver's license, commercial driver's license or identification card.

Section 89.5 of this bill makes an appropriation to the Office of the Secretary of State for the costs of ballot stock, postage and postcard notifications to carry out the provisions of this bill.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this act.

Sec. 2. *"Mail ballot" means a mail ballot distributed to an active registered voter pursuant to the provisions of sections 3 to 15, inclusive, of this act and sections 51 to 65, inclusive, of this act.*

Sec. 2.2. *For a primary election or general election, the county clerk must establish:*

1. *In a county whose population is 700,000 or more, at least 25 polling places for early voting by personal appearance, which may be any combination of temporary or permanent polling places for early voting.*

2. *In a county whose population is 100,000 or more but less than 700,000, at least 15 polling places for early voting by personal appearance, which may be any combination of temporary or permanent polling places for early voting.*

3. *In a county whose population is less than 100,000, at least 1 permanent polling place for early voting by personal appearance.*

Sec. 2.4. 1. *For a primary election or general election, the county clerk must establish:*

(a) *In a county whose population is 700,000 or more, at least 100 polling places where a person can vote in person on the day of the election.*

(b) *In a county whose population is 100,000 or more but less than 700,000, at least 25 polling places where a person can vote in person on the day of the election.*

(c) *In a county whose population is less than 100,000, at least 1 permanent polling place where a person can vote in person on the day of the election.*

2. *For the purposes of subsection 1, a polling place where a person can vote on the day of the election may include a vote center.*

Sec. 3. 1. *Except as otherwise provided in this section, the county clerk shall prepare and distribute to each active registered voter in the county and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The county clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the absent ballot in 12-point type to a person who is elderly or disabled.*

2. *The county clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the county clerk a written notice in*

the form prescribed by the county clerk which must be received by the county clerk not later than 60 days before the day of the election.

3. The county clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or

(b) Elects not to receive a mail ballot pursuant to subsection 2.

4. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

5. Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, not later than 20 days before the election; and

(2) Except as otherwise provided in paragraph (c), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

6. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

7. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 4. 1. Except as otherwise provided in subsection 2, section 3 of this act and chapter 293D of NRS, the county clerk shall send to each active registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:

(a) A mail ballot;

(b) A return envelope;

(c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and

(d) Instructions.

2. In sending a mail ballot to an active registered voter, the county clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.

3. The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Before sending a mail ballot to an active registered voter, the county clerk shall record:

- (a) The date the mail ballot is issued;
- (b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;
- (c) The number of the mail ballot; and
- (d) Any remarks the county clerk finds appropriate.

Sec. 5. 1. Except as otherwise provided in subsection 2, if a person applied by mail or computer to register to vote, or preregistered to vote by mail or computer and is subsequently deemed to be registered to vote, and the person has not previously voted in any election for federal office in this State, the county clerk must inform the person that he or she must include a copy of the information required in paragraph (b) of subsection 1 of NRS 293.2725 in the return envelope with the mail ballot.

2. The provisions of subsection 1 do not apply to a person who:

(a) Registers to vote by mail or computer, or preregisters to vote by mail or computer and is subsequently deemed to be registered to vote, and submits with his or her application to preregister or register to vote:

- (1) A copy of a current and valid photo identification; or
- (2) A copy of a current utility bill, bank statement, paycheck or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card;

(b) Registers to vote by mail or computer and submits with his or her application to register to vote a driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(c) Registers to vote pursuant to NRS 293.5732 to 293.5757, inclusive, and at that time presents to the Department of Motor Vehicles:

- (1) A copy of a current and valid photo identification;
- (2) A copy of a current utility bill, bank statement, paycheck or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card; or
- (3) A driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(d) Is entitled to vote pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.;

(e) Is provided the right to vote otherwise than in person pursuant to the provisions of the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.; or

(f) Is entitled to vote otherwise than in person pursuant to the provisions of any other federal law.

3. If a person fails to provide the identification required pursuant to paragraph (b) of subsection 1 of NRS 293.2725 with his or her mail ballot:

(a) The mail ballot must be treated as a provisional ballot; and

(b) The county clerk must:

(1) Contact the person;

(2) Allow the person to provide the identification required before 5 p.m. on the sixth day following the election; and

(3) If the identification required pursuant to paragraph (b) of subsection 1 of NRS 293.2725 is provided, ensure the mail ballot is delivered to the appropriate mail ballot central counting board.

Sec. 6. 1. Except as otherwise provided in section 7 of this act and chapter 293D of NRS, in order to vote a mail ballot, the voter must, in accordance with the instructions:

(a) Mark and fold the mail ballot;

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

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

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

2. Except as otherwise provided in chapter 293D of NRS, voting must be only upon candidates whose names appear upon the mail ballot as prepared pursuant to section 3 of this act, and no person may write in the name of an additional candidate for any office.

3. If a mail ballot has been sent to a voter who applies to vote in person at a polling place, including, without limitation, a polling place for early voting, the voter must, in addition to complying with all other requirements for voting in person that are set forth in this chapter, surrender his or her mail ballot or sign an affirmation under penalty of perjury that the voter has not voted during the election. A person who receives a surrendered mail ballot shall mark it "Cancelled."

Sec. 7. 1. Except as otherwise provided in this section, a person shall not mark and sign a mail ballot on behalf of a voter or assist a voter to mark and sign a mail ballot pursuant to the provisions of sections 3 to 15, inclusive, of this act.

2. At the direction of a voter who has a physical disability, is at least 65 years of age or is unable to read or write, a person may mark and sign a mail ballot on behalf of the voter or assist the voter to mark and sign a mail ballot pursuant to this section.

3. If a person marks and signs a mail ballot on behalf of a voter pursuant to this section, the person must indicate next to his or her signature that the mail ballot has been marked and signed on behalf of the voter.

4. If a person assists a voter to mark and sign a mail ballot pursuant to this section, the person or the voter must include on the return envelope his or her name, address and signature.

Sec. 8. 1. Except as otherwise provided in subsection 2 and chapter 293D of NRS, in order for a mail ballot to be counted for any election, the mail ballot must be:

(a) Before the time set for closing of the polls, delivered by hand to the county clerk, or any ballot drop box established in the county pursuant to this section; or

(b) Mailed to the county clerk, and:

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

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

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

3. Each county clerk must establish a ballot drop box at every polling place in the county, including, without limitation, a polling place for early voting. A county clerk may establish a ballot drop box at any other location in the county where mail ballots can be delivered by hand and collected during the period for early voting and on election day. No person other than a clerk may establish a drop box for mail ballots.

4. A ballot drop box must be:

(a) Constructed of metal or any other rigid material of sufficient strength and resistance to protect the security of the mail ballots; and

(b) Capable of securely receiving and holding the mail ballots and being locked.

5. A ballot drop box must be:

(a) Placed in an accessible and convenient location at the office of the county clerk or a polling place in the county; and

(b) Made available for use during the hours when the office of the county clerk, or the polling place, is open for business or voting, as applicable.

Sec. 9. 1. Except as otherwise provided in subsection 2, at the request of a voter whose mail ballot has been prepared by or on behalf of the voter, a person authorized by the voter may return the mail ballot on behalf of the voter by mail or personal delivery to the county clerk, or any ballot drop box established in the county, pursuant to section 8 of this act.

2. Except for an election board officer in the course of the election board officer's official duties, a person shall not willfully:

(a) Impede, obstruct, prevent or interfere with the return of a voter's mail ballot;

(b) Deny a voter the right to return the voter's mail ballot; or

(c) If the person receives the voter's mail ballot and authorization to return the mail ballot on behalf of the voter by mail or personal delivery, fail to return

the mail ballot, unless otherwise authorized by the voter, by mail or personal delivery:

(1) Before the end of the third day after the day of receipt, if the person receives the mail ballot from the voter four or more days before the day of the election; or

(2) Before the deadline established by the United States Postal Service for the mail ballot to be postmarked on the day of the election or before the polls close on the day of the election, as applicable to the type of delivery, if the person receives the mail ballot from the voter three or fewer days before the day of the election.

3. A person who violates any provision of subsection 2 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 10. 1. The county clerk shall establish procedures for the processing and counting of mail ballots.

2. The procedures established pursuant to subsection 1:

(a) May authorize mail ballots to be processed, verified and counted by computer or other electronic means; and

(b) Must not conflict with the provisions of sections 3 to 15, inclusive, of this act.

Sec. 11. 1. Except as otherwise provided in NRS 293D.200, when a mail ballot is returned by or on behalf of a voter to the county clerk, and a record of its return is made in the mail ballot record for the election, the clerk or an employee in the office of the clerk shall check the signature used for the mail ballot by electronic means pursuant to subsection 2 or manually pursuant to subsection 3.

2. To check the signature used for a mail ballot by electronic means:

(a) The electronic device must take a digital image of the signature used for the mail ballot and compare the digital image with the signatures of the voter from his or her application to register to vote or application to preregister to vote available in the records of the county clerk.

(b) If the electronic device does not match the signature of the voter, the signature shall be reviewed manually pursuant to the provisions of subsection 3.

3. To check the signature used for a mail ballot manually, the county clerk shall use the following procedure:

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

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

4. For purposes of subsection 3:

(a) There is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter if the signature used for

the mail ballot differs in multiple, significant and obvious respects from the signatures of the voter available in the records of the clerk.

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

(1) The signature used for the mail ballot is a variation of the signature of the voter caused by the substitution of initials for the first or middle name, the substitution of a different type of punctuation in the first, middle or last name, the use of a common nickname or the use of one last name for a person who has two last names and it does not otherwise differ in multiple, significant and obvious respects from the signatures of the voter available in the records of the clerk; or

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

5. Except as otherwise provided in subsection 6, if the clerk determines that the voter is entitled to cast the mail ballot, the clerk shall deposit the mail ballot in the proper ballot box or place the mail ballot, unopened, in a container that must be securely locked or under the control of the clerk at all times. The clerk shall deliver the mail ballots to the mail ballot central counting board to be processed and prepared for counting.

6. If the clerk determines when checking the signature used for the mail ballot that the voter failed to affix his or her signature or failed to affix it in the manner required by law for the mail ballot or that there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, but the voter is otherwise entitled to cast the mail ballot, the clerk shall contact the voter and advise the voter of the procedures to provide a signature or a confirmation that the signature used for the mail ballot belongs to the voter, as applicable. For the mail ballot to be counted, the voter must provide a signature or a confirmation, as applicable, not later than 5 p.m. on the sixth day following the election.

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

(a) Contact the voter;

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

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

8. If there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, the voter must be identified by:

(a) Answering questions from the county clerk covering the personal data which is reported on the application to register to vote;

(b) Providing the county clerk, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the county clerk with proof of identification as described in NRS 293.277 other than the voter registration card issued to the voter.

9. The procedures established pursuant to subsection 7 for contacting a voter must require the clerk to contact the voter, as soon as possible after receipt of the mail ballot, by:

(a) Mail;

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

(c) Electronic means, which may include, without limitation, electronic mail, if the voter has provided the clerk with sufficient information to contact the voter by such means.

Sec. 12. 1. The county clerk shall appoint a mail ballot central counting board for the election.

2. The clerk shall appoint and notify voters to act as election board officers for the mail ballot central counting board in such numbers as the clerk determines to be required by the volume of mail ballots required to be sent to each active registered voter in the county for the election. The voters appointed as election board officers for the mail ballot central counting board must not all be of the same political party. No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as such an election board officer.

3. The clerk's deputies who perform duties in connection with elections shall be deemed officers of the mail ballot central counting board.

4. The mail ballot central counting board is under the direction of the clerk.

Sec. 13. 1. The mail ballot central counting board may begin counting the received mail ballots 15 days before the day of the election. The board must complete the count of all mail ballots on or before the seventh day following the election. The counting procedure must be public.

2. If two or more mail ballots are found folded together to present the appearance of a single ballot, the mail ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by an election board officer and placed in the container or ballot box after the count is completed.

Sec. 14. Except as otherwise provided in NRS 293D.200, each mail ballot central counting board shall process the mail ballots in the following manner:

1. The name of the voter, as shown on the return envelope, must be checked as if the voter were voting in person;

2. An election board officer shall indicate in the roster "Received" by the name of the voter;

3. If the board determines the voter is entitled to cast a mail ballot and all other processing steps have been completed, the return envelope must be opened and the mail ballot counted;

4. An election board officer shall indicate "Voted" by the name of the voter; and

5. When all mail ballots delivered to the board have been voted or rejected, except as otherwise provided in NRS 293D.200, the empty envelopes and the envelopes containing rejected mail ballots must be returned to the clerk. On all envelopes containing rejected mail ballots, the cause of rejection must be noted and the envelope signed by an election board officer.

Sec. 15. 1. The voting results of the mail ballot vote in each precinct must be certified and submitted to the county clerk, who shall have the results added to the votes of the precinct that were not cast by mail ballot. The returns of the mail ballot vote must be reported separately from the other votes that were not cast by mail ballot in the precinct unless reporting the returns separately would violate the secrecy of a voter's ballot.

2. The clerk shall develop a procedure to ensure that each mail ballot is kept secret.

3. No voting results of mail ballots may be released until all polling places are closed and all votes have been cast on the day of the election. Any person who disseminates to the public in any way information pertaining to the count of mail ballots before all polling places are closed and all votes have been cast on the day of the election is guilty of a misdemeanor.

Sec. 16. At least once each year, each county clerk and all members of his or her staff whose duties include administering an election must complete a training class on forensic signature verification that is approved by the Secretary of State.

Sec. 17. If a county clerk uses an electronic device in an election to verify signatures on mail ballots:

1. The county clerk must conduct a test of the accuracy of the electronic devices before the election. The test must be conducted in a manner that ensures the electronic device will use the same standards for determining the validity of a signature as would be used by a natural person verifying the signature pursuant to section 11 of this act.

2. The county clerk must perform daily audits of each electronic device during the processing of mail ballots for the election. The daily audit must include a review of a sample of at least 1 percent of the signatures verified each day. The county clerk shall appoint election board officers who must not all be of the same political party to manually review the signatures. The county clerk must prepare a report of each daily audit.

Sec. 18. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS ~~[293.013]~~ 293.016 to 293.121, inclusive, and section 2 of this act, have the meanings ascribed to them in those sections.

Sec. 19. NRS 293.093 is hereby amended to read as follows:

293.093 "Regular votes" means the votes cast by registered voters, except votes cast by:

1. ~~[An absent]~~ A mail ballot;

2. A provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive;
or

3. A provisional ballot pursuant to NRS 293.5772 to 293.5887, inclusive.

Sec. 20. NRS 293.206 is hereby amended to read as follows:

293.206 1. On or before the last day in March of every even-numbered year, the county clerk shall provide the Secretary of State and the Director of the Legislative Counsel Bureau with a copy or electronic file of a map showing the boundaries of all election precincts in the county.

2. If the Secretary of State determines that the boundaries of an election precinct do not comply with the provisions of NRS 293.205, the Secretary of State must provide the county clerk with a written statement of noncompliance setting forth the reasons the precinct is not in compliance. Within 15 days after receiving the notice of noncompliance, the county clerk shall make any adjustments to the boundaries of the precinct which are required to bring the precinct into compliance with the provisions of NRS 293.205 and shall submit a corrected copy or electronic file of the precinct map to the Secretary of State and the Director of the Legislative Counsel Bureau.

3. If the initial or corrected election precinct map is not filed as required pursuant to this section or the county clerk fails to make the necessary changes to the boundaries of an election precinct pursuant to subsection 2, the Secretary of State may establish appropriate precinct boundaries in compliance with the provisions of NRS 293.205 to ~~[293.213,]~~ 293.210, inclusive. If the Secretary of State revises the map pursuant to this subsection, the Secretary of State shall submit a copy or electronic file of the revised map to the Director of the Legislative Counsel Bureau and the appropriate county clerk.

4. As used in this section, "electronic file" includes, without limitation, an electronic data file of a geographic information system.

Sec. 21. NRS 293.217 is hereby amended to read as follows:

293.217 1. The county clerk of each county shall appoint and notify registered voters to act as election board officers for the various polling places in the county as provided in NRS 293.220 to ~~[293.243,]~~ 293.227, inclusive, and ~~[293.384,]~~ *section 12 of this act*. The registered voters appointed as election board officers for any polling place must not all be of the same political party. No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the county clerk, the sheriff shall:

(a) Appoint a deputy sheriff for each polling place in the county and for the central election board or the ~~[absent]~~ mail ballot central counting board; or

(b) Deputize as a deputy sheriff for the election an election board officer of each polling place in the county and for the central election board or the ~~[absent]~~ mail ballot central counting board. The deputized officer shall receive no additional compensation for services rendered as a deputy sheriff during the election for which the officer is deputized.

↪ Deputy sheriffs so appointed and deputized shall preserve order during hours of voting and attend closing of the polls.

2. The county clerk may appoint a trainee for the position of election board officer as set forth in NRS 293.2175.

Sec. 22. NRS 293.250 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held. The explanations must include a digest. The digest must include a concise and

clear summary of any existing laws directly related to the constitutional amendment or statewide measure and a summary of how the constitutional amendment or statewide measure adds to, changes or repeals such existing laws. For a constitutional amendment or statewide measure that creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest must include a statement that the constitutional amendment or statewide measure creates, generates, increases or decreases, as applicable, public revenue.

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

7. A county clerk:

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

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

Sec. 23. NRS 293.2693 is hereby amended to read as follows:

293.2693 If a county or city uses paper ballots, including, without limitation, for ~~{absent} mail~~ ballots, ~~{and ballots voted in a mailing precinct,}~~ the county or city clerk shall provide a voter education program specific to the voting system used by the county or city. The voter education program must include, without limitation, information concerning the effect of overvoting and the procedures for correcting a vote on a ballot before it is cast and counted and for obtaining a replacement ballot.

Sec. 24. NRS 293.272 is hereby amended to read as follows:

293.272 1. Except as otherwise provided in subsection 2 and in NRS 293.2725 and 293.3083, a person who registered by mail or computer to vote shall, for the first election in which the person votes at which that registration is valid, vote in person unless he or she has previously voted in the county in which he or she is registered to vote.

2. The provisions of subsection 1 do not apply to a person who:

(a) ~~{Is entitled to vote in the manner prescribed in NRS 293.343 to 293.355, inclusive;}~~

~~{(b)} Is entitled to vote {an absent ballot} otherwise than in person pursuant to federal law {, NRS 293.316} or chapter 293D of NRS;~~

~~{(c)} (b) Is disabled;~~

~~{(d)} (c) Is provided the right to vote otherwise than in person pursuant to the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.;~~

~~{(e) Submits or has previously submitted a written request for an absent ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath;~~

~~{(f) Requests an absent ballot in person at the office of the county clerk;}~~ or

~~{(g)} (d) Is sent a mail ballot pursuant to the provisions of {NRS 293.8847} section 4 of this act and includes a copy of the information required pursuant~~

to paragraph (b) of subsection 1 of NRS 293.2725 with his or her voted mail ballot, if required pursuant to ~~[NRS 293.8851]~~ *section 5 of this act*.

Sec. 25. NRS 293.2725 is hereby amended to read as follows:

293.2725 1. Except as otherwise provided in subsection 2, in NRS 293.3081, 293.3083 and 293.5772 to 293.5887, inclusive, and in federal law, a person who registers to vote by mail or computer, ~~for registers to vote pursuant to NRS 293.5742,~~ or a person who preregisters to vote by mail or computer and is subsequently deemed to be registered to vote, and who has not previously voted in an election for federal office in this State:

(a) May vote at a polling place only if the person presents to the election board officer at the polling place:

(1) A current and valid photo identification of the person, which shows his or her physical address; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card; and

(b) May vote by mail only if the person provides to the county or city clerk:

(1) A copy of a current and valid photo identification of the person, which shows his or her physical address; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card.

➡ If there is a question as to the physical address of the person, the election board officer or clerk may request additional information.

2. The provisions of subsection 1 do not apply to a person who:

(a) Registers to vote by mail or computer, or preregisters to vote by mail or computer and is subsequently deemed to be registered to vote, and submits with an application to preregister or register to vote:

(1) A copy of a current and valid photo identification; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card;

(b) Except as otherwise provided in subsection 3, registers to vote by mail or computer and submits with an application to register to vote a driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(c) Registers to vote pursuant to NRS 293.5742, and at that time presents to the Department of Motor Vehicles:

(1) A copy of a current and valid photo identification;

(2) A copy of a current utility bill, bank statement, paycheck or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card; or

(3) A driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(d) Is entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.;

(e) Is provided the right to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.; or

(f) Is entitled to vote otherwise than in person under any other federal law.

3. The provisions of subsection 1 apply to a person described in paragraph (b) of subsection 2 if the voter registration card issued to the person is mailed by the county clerk to the person and returned to the county clerk by the United States Postal Service.

Sec. 26. NRS 293.2733 is hereby amended to read as follows:

293.2733 1. If an Indian reservation or Indian colony is located in whole or in part within a county, the Indian tribe may submit a request to the county clerk for the establishment ~~for a polling place~~ within the boundaries of the Indian reservation or Indian colony for the day of a primary election or general election ~~of~~:

(a) *A polling place;*

(b) *A ballot drop box; or*

(c) *Both a polling place and a ballot drop box.*

2. A request for the establishment of a polling place , *a ballot drop box or both a polling place and a ballot drop box* within the boundaries of an Indian reservation or Indian colony for the day of a primary election or general election:

(a) Must be submitted to the county clerk by the Indian tribe on or before:

(1) If the request is for a primary election, ~~the first Friday in January~~ *March 1* of the year in which the primary election is to be held.

(2) If the request is for a general election, ~~the first Friday in July~~ *August 1* of the year in which the general election is to be held.

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the polling place ~~or~~ *or ballot drop box*. Any proposed location must satisfy the criteria the county clerk uses for the establishment of any other polling place ~~or~~ *or ballot drop box, as applicable*.

3. Except as otherwise provided in this subsection, if the county clerk receives a request that satisfies the requirements set forth in subsection 2, the county clerk must establish at least one polling place *or ballot box, as applicable* within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe for the day of a primary election or general election. The county clerk is not required to establish a polling place within the boundaries of an Indian reservation or Indian colony for the day of a primary election or general election if the county

clerk established a temporary branch polling place for early voting pursuant to NRS 293.3572 within the boundaries of the Indian reservation or Indian colony for the same election.

4. If the county clerk establishes one or more polling places *or ballot drop boxes* within the boundaries of an Indian reservation or Indian colony pursuant to subsection 3 for the day of a primary election or general election, the county clerk must continue to establish one or more polling places *or ballot drop boxes* within the boundaries of the Indian reservation or Indian colony at a location or locations approved by the Indian tribe for the day of any future primary election or general election unless otherwise requested by the Indian tribe.

Sec. 27. NRS 293.285 is hereby amended to read as follows:

293.285 1. Except as otherwise provided in NRS 293.283 and 293.5772 to 293.5887, inclusive:

(a) A registered voter applying to vote shall state his or her name to the election board officer in charge of the roster; and

(b) The election board officer shall:

(1) Announce the name of the registered voter;

(2) Instruct the registered voter to sign the roster or signature card;

(3) Verify the signature of the registered voter in the manner set forth in NRS 293.277; and

(4) Verify that the registered voter has not already voted in that county in the current election.

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the voter registration card issued to the voter.

3. If the signature of the voter has changed in comparison to the signature on the application to preregister or register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. *For the purposes of subsection 2, the personal data of a voter may include his or her date of birth.*

Sec. 28. NRS 293.3572 is hereby amended to read as follows:

293.3572 1. In addition to permanent polling places for early voting, except as otherwise provided in subsection 4, the county clerk may establish temporary branch polling places for early voting which may include, without limitation, the clerk's office pursuant to NRS 293.3561.

2. If an Indian reservation or Indian colony is located in whole or in part within a county, the Indian tribe may submit a request to the county clerk for the establishment of a temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony.

3. A request for the establishment of a temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony:

(a) Must be submitted to the county clerk by the Indian tribe on or before:

(1) If the request is for a primary election, ~~[the first Friday in January]~~ *March 1* of the year in which the general election is to be held.

(2) If the request is for a general election, ~~[the first Friday in July]~~ *August 1* of the year in which the general election is to be held.

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the temporary branch polling place and proposed hours of operation thereof. Any proposed location must satisfy the criteria established by the county clerk for the selection of temporary branch polling places pursuant to NRS 293.3561.

4. Except as otherwise provided in this subsection, if the county clerk receives a request that satisfies the requirements set forth in subsection 3, the county clerk must establish at least one temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony. The location and hours of operation of such a temporary branch polling place for early voting must be approved by the Indian tribe. The county clerk is not required to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony if the county clerk determines that it is not logistically feasible to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.

5. If the county clerk establishes one or more temporary branch polling places within the boundaries of an Indian reservation or Indian colony pursuant to subsection 4 for early voting, the county clerk must continue to establish one or more temporary branch polling places within the boundaries of the Indian reservation or Indian colony at a location or locations approved by the Indian tribe for early voting in future elections unless otherwise requested by the Indian tribe.

6. The provisions of subsection 3 of NRS 293.3568 do not apply to a temporary branch polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the county clerk.

7. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

8. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

Sec. 29. NRS 293.3585 is hereby amended to read as follows:

293.3585 1. Except as otherwise provided in NRS 293.283 and 293.5772 to 293.5887, inclusive, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

(a) Determine that the person is a registered voter in the county.

- (b) Instruct the voter to sign the roster for early voting or a signature card.
- (c) Verify the signature of the voter in the manner set forth in NRS 293.277.
- (d) Verify that the voter has not already voted in that county in the current election.

2. If the signature of the voter does not match, the voter must be identified by:

- (a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;
- (b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or
- (c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the voter registration card issued to the voter.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that county in the current election.

5. The roster for early voting or a signature card, as applicable, must contain:

- (a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;
- (b) The voter's precinct or voting district number, if that information is available; and
- (c) The date of voting early in person.

6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

- (a) Prepare the mechanical recording device for the voter;
- (b) Ensure that the voter's precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and
- (c) Allow the voter to cast a vote.

8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.

9. *For the purposes of subsection 2, the personal data of a voter may include his or her date of birth.*

Sec. 30. NRS 293.3625 is hereby amended to read as follows:

293.3625 The county clerk shall make a record of the receipt at the central counting place of each sealed container used to transport official ballots pursuant to NRS 293.304, ~~[293.325,]~~ 293B.330 and 293B.335. The record

must include the numbers indicated on the container and its seal pursuant to NRS 293.462.

Sec. 31. NRS 293.363 is hereby amended to read as follows:

293.363 ~~Except as otherwise provided for an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive,]~~

1. When the polls are closed, the counting board shall prepare to count the ballots voted. The counting procedure must be public and continue without adjournment until completed.

2. If the ballots are paper ballots, the counting board shall prepare in the following manner:

(a) The container that holds the ballots or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to ascertain whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.

(b) If the ballots in the container or box are found to exceed in number the number of names as are indicated on the roster as having voted, the ballots must be replaced in the container or box, and a counting board officer, with his or her back turned to the container or box, shall draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the county clerk with the other ballots rejected for any cause.

(c) When it has been ascertained that the number of ballots agrees with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.

Sec. 32. NRS 293.365 is hereby amended to read as follows:

293.365 Except as otherwise provided ~~[for an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive,]~~ in section 13 of this act, no counting board in any precinct, district or polling place in which paper ballots are used may commence to count the votes until all ballots used or unused are accounted for.

Sec. 33. NRS 293.387 is hereby amended to read as follows:

293.387 1. As soon as the returns from all the precincts and districts in any county have been received by the board of county commissioners, the board shall meet and canvass the returns. The canvass must be completed on or before the 10th day following the election. ~~[or, if applicable, the 13th day following an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive.]~~

2. In making its canvass, the board shall:

(a) Note separately any clerical errors discovered; and

(b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

3. The county clerk shall, as soon as the result is declared, enter upon the records of the board an abstract of the result, which must contain the number of votes cast for each candidate. The board, after making the abstract, shall cause the county clerk to certify the abstract and, by an order made and entered in the minutes of its proceedings, to make:

(a) A copy of the certified abstract; and

(b) A mechanized report of the abstract in compliance with regulations adopted by the Secretary of State,

➡ and transmit them to the Secretary of State on or before the 10th day following the election . ~~for, if applicable, the 13th day following an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive.]~~

4. The Secretary of State shall, immediately after any primary election, compile the returns for all candidates voted for in more than one county. The Secretary of State shall make out and file in his or her office an abstract thereof, and shall certify to the county clerk of each county the name of each person nominated, and the name of the office for which the person is nominated.

Sec. 34. NRS 293.391 is hereby amended to read as follows:

293.391 1. The voted ballots, rejected ballots, spoiled ballots, challenge lists, records printed on paper of voted ballots collected pursuant to NRS 293B.400, *reports prepared pursuant to section 17 of this act* and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk. The records of voted ballots that are maintained in electronic form must, after canvass of the votes by the board of county commissioners, be sealed and deposited in the vaults of the county clerk. The tally lists collected pursuant to this title must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk without being sealed. All materials described by this subsection must be preserved for at least 22 months, and all such sealed materials must be destroyed immediately after the preservation period. A notice of the destruction must be published by the clerk in at least one newspaper of general circulation in the county not less than 2 weeks before the destruction.

2. Unused ballots, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.

3. The rosters containing the signatures of those persons who voted in the election and the tally lists deposited with the board of county commissioners are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the county clerk.

4. A contestant of an election may inspect all of the material regarding that election which is preserved pursuant to subsection 1 or 2, except the voted ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the county clerk.

5. The voted ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the county clerk are not subject to the inspection of anyone, except in cases of a contested election, and then only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of such judge, body or board.

Sec. 35. NRS 293.393 is hereby amended to read as follows:

293.393 1. On or before the 10th day after any general election or any other election at which votes are cast for any United States Senator, Representative in Congress, member of the Legislature or any state officer who is elected statewide, ~~for, if applicable, on or before the 13th day after an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive,~~ the board of county commissioners shall open the returns of votes cast and make abstracts of the votes.

2. Abstracts of votes must be prepared in the manner prescribed by the Secretary of State by regulation.

3. The county clerk shall make out a certificate of election to each of the persons having the highest number of votes for the district, county and township offices.

4. Each certificate must be delivered to the person elected upon application at the office of the county clerk.

Sec. 36. NRS 293.462 is hereby amended to read as follows:

293.462 1. Each container used to transport official ballots pursuant to NRS 293.304, ~~293.325,~~ 293B.330 and 293B.335 must:

- (a) Be constructed of metal or any other rigid material; and
- (b) Contain a seal which is placed on the container to ensure detection of any opening of the container.

2. The container and seal must be separately numbered for identification.

Sec. 37. NRS 293.464 is hereby amended to read as follows:

293.464 1. If a court of competent jurisdiction orders a county to extend the deadline for voting beyond the statutory deadline in a particular election, the county clerk shall, as soon as practicable after receiving notice of the court's decision:

(a) Cause notice of the extended deadline to be published in a newspaper of general circulation in the county; and

(b) Transmit a notice of the extended deadline to each registered voter who ~~requested an absent voter's~~ *received a mail* ballot for the election and has not returned the *mail* ballot before the date on which the notice will be transmitted.

2. The notice required pursuant to paragraph (a) of subsection 1 must be published:

(a) In a county whose population is 47,500 or more, on at least 3 successive days.

(b) In a county whose population is less than 47,500, at least twice in successive issues of the newspaper.

Sec. 38. NRS 293.4688 is hereby amended to read as follows:

293.4688 1. The Secretary of State shall ensure that:

(a) All public information that is included on the Internet website required pursuant to NRS 293.4687 is accessible on a mobile device; and

(b) A person may use a mobile device to submit any information or form related to elections that a person may otherwise submit electronically to the Secretary of State, including, without limitation, an application to preregister or register to vote ~~[-, a request for an absent ballot]~~ and a request for a military-overseas ballot.

2. As used in this section:

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

(b) "Mobile device" includes, without limitation, a smartphone or a tablet computer.

Sec. 39. NRS 293.469 is hereby amended to read as follows:

293.469 Each county clerk is encouraged to:

1. Not later than the earlier date of the notice provided pursuant to NRS 293.203 or the first notice provided pursuant to subsection 3 of NRS 293.560, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293.2955, 293.296 ~~[-, 293.313, 293.316]~~ and ~~[293.3165.]~~ *section 3 of this act*.

2. Provide in alternative audio and visual formats information concerning elections, information concerning how to preregister or register to vote and information concerning the manner of voting for use by a person who is elderly or disabled, including, without limitation, providing such information through a telecommunications device that is accessible to a person who is deaf.

3. Not later than 5 working days after receiving the request of a person who is elderly or disabled, provide to the person, in a format that can be used by the person, any requested material that is:

(a) Related to elections; and

(b) Made available by the county clerk to the public in printed form.

Sec. 40. NRS 293.5002 is hereby amended to read as follows:

293.5002 1. The Secretary of State shall establish procedures to allow a person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive, to:

(a) Preregister or register to vote; and

(b) Vote by ~~[absent]~~ *mail* ballot,

➡ without revealing the confidential address of the person.

2. In addition to establishing appropriate procedures or developing forms pursuant to subsection 1, the Secretary of State shall develop a form to allow a person for whom a fictitious address has been issued to preregister or register

to vote or to change the address of the person's current preregistration or registration, as applicable. The form must include:

- (a) A section that contains the confidential address of the person; and
- (b) A section that contains the fictitious address of the person.

3. Upon receiving a completed form from a person for whom a fictitious address has been issued, the Secretary of State shall:

(a) On the portion of the form that contains the fictitious address of the person, indicate the county and precinct in which the person will vote and forward this portion of the form to the appropriate county clerk; and

- (b) File the portion of the form that contains the confidential address.

4. ~~{Notwithstanding any other provision of law, any request received by the Secretary of State pursuant to subsection 3 shall be deemed a request for a permanent absent ballot.~~

~~—5.}~~ Notwithstanding any other provision of law:

(a) The Secretary of State and each county clerk shall keep the portion of the form developed pursuant to subsection 2 that he or she retains separate from other applications for preregistration or registration.

(b) The county clerk shall not make the name, confidential address or fictitious address of the person who has been issued a fictitious address available for:

- (1) Inspection or copying; or
- (2) Inclusion in any list that is made available for public inspection,

↪ unless directed to do so by lawful order of a court of competent jurisdiction.

Sec. 41. NRS 293.502 is hereby amended to read as follows:

293.502 1. An elector:

(a) Who complies with the requirements for registration set forth in the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.;

(b) Who, not more than 60 days before an election:

(1) Is discharged from the Armed Forces of the United States or is the spouse or dependent of an elector who is discharged from the Armed Forces; or

(2) Is separated from employment outside the territorial limits of the United States or is the spouse or dependent of an elector who is separated from employment outside the territorial limits of the United States;

(c) Who presents evidence of the discharge from the Armed Forces or separation from employment described in paragraph (b) to the county clerk; and

(d) Is not registered to vote at the close of registration for that election,

↪ must be allowed to register to vote in the election.

2. Such an elector must:

(a) Register in person; and

(b) Vote in the office of the county clerk unless the elector is otherwise entitled to vote ~~[an absent]~~ a mail ballot pursuant to federal law.

3. The Secretary of State shall adopt regulations to carry out a program of registration for such electors.

Sec. 42. NRS 293.541 is hereby amended to read as follows:

293.541 1. The county clerk shall cancel the preregistration of a person or the registration of a voter if:

(a) After consultation with the district attorney, the district attorney determines that there is probable cause to believe that information in the application to preregister or register to vote concerning the identity or residence of the person or voter is fraudulent;

(b) The county clerk provides a notice as required pursuant to subsection 2 or executes an affidavit of cancellation pursuant to subsection 3; and

(c) The person or voter fails to present satisfactory proof of identity and residence pursuant to subsection 2, 4 or 5.

2. Except as otherwise provided in subsection 3, the county clerk shall notify the person or voter by registered or certified mail, return receipt requested, of a determination made pursuant to subsection 1. The notice must set forth the grounds for cancellation. Unless the person or voter, within 15 days after the return receipt has been filed in the office of the county clerk, presents satisfactory proof of identity and residence to the county clerk, the county clerk shall cancel the person's preregistration or the voter's registration, as applicable.

3. If insufficient time exists before a pending election to provide the notice required by subsection 2 to a registered voter, the county clerk shall execute an affidavit of cancellation and file the affidavit of cancellation with the registrar of voters' register and:

(a) In counties where records of registration are not kept by computer, the county clerk shall attach a copy of the affidavit of cancellation in the roster.

(b) In counties where records of registration are kept by computer, the county clerk shall have the affidavit of cancellation printed on the computer entry for the registration and add a copy of it to the roster.

4. If a voter appears to vote at the election next following the date that an affidavit of cancellation was executed for the voter pursuant to this section, the voter must be allowed to vote only if the voter furnishes:

(a) Official identification which contains a photograph of the voter, including, without limitation, a driver's license or other official document; and

(b) Satisfactory identification that contains proof of the address at which the voter actually resides and that address is consistent with the address listed on the roster.

5. If a determination is made pursuant to subsection 1 concerning information in the registration to vote of a voter and ~~an absent~~ a mail ballot ~~for a ballot voted by a voter who resides in a mailing precinct~~ is received from the voter, the ballot must be kept separate from other ballots and must not be counted unless the voter presents satisfactory proof to the county clerk of identity and residence before such ballots are counted on election day.

6. For the purposes of this section, a voter registration card does not provide proof of the:

- (a) Address at which a person actually resides; or
- (b) Residence or identity of a person.

Sec. 42.5. NRS 293.560 is hereby amended to read as follows:

293.560 1. Except as otherwise provided in NRS 293.502, 293.5772 to 293.5887, inclusive, 293D.230 and 293D.300:

(a) For a primary or general election, or a recall or special election that is held on the same day as a primary or general election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary or general election.

(2) By appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035, is the fourth Tuesday preceding the primary or general election.

(3) By computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters, is the Thursday preceding the primary or general election, unless the system is used to register voters for the election pursuant to NRS 293.5842 or 293.5847.

(4) By computer using the system established by the Secretary of State pursuant to NRS 293.671, is the ~~Thursday preceding~~ *day of* the primary or general election. ~~[, unless the system is used to register voters for the election pursuant to NRS 293.5842 or 293.5847.]~~

(b) If a recall or special election is not held on the same day as a primary or general election, the last day to register to vote for the recall or special election by any method of registration is the third Saturday preceding the recall or special election.

2. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, after the deadlines for the close of registration for a primary or general election set forth in subsection 1, no person may register to vote for the election.

3. Except for a recall or special election held pursuant to chapter 306 or 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:

(1) The day and time that each method of registration for the election, as set forth in subsection 1, will be closed; and

(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.

➤ If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the day that the last method of registration for the election, as set forth in subsection 1, will be closed.

4. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.

5. A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035.

Sec. 43. NRS 293.5837 is hereby amended to read as follows:

293.5837 1. ~~Through the Thursday preceding the day of the election,~~
~~an~~ An elector may register to vote in the county or city, as applicable, in which the elector is eligible to vote by submitting an application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671 before the elector appears at a polling place described in subsection 2 to vote in person.

2. If an elector submits an application to register to vote pursuant to this section ~~less than 14 days before the election~~, the elector may vote only in person:

(a) During the period for early voting, at any polling place for early voting by personal appearance in the county or city, as applicable, in which the elector is eligible to vote; or

(b) On the day of the election, at:

(1) A polling place established pursuant to NRS 293.3072 ~~or 293.8834~~ or 293C.3032 in the county or city, as applicable, in which the elector is eligible to vote; or

(2) The polling place for his or her election precinct.

3. To vote in person, an elector who submits an application to register to vote pursuant to this section must:

(a) Appear before the close of polls at a polling place described in subsection 2;

(b) Inform an election board officer that, before appearing at the polling place, the elector submitted an application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671; and

(c) Except as otherwise provided in subsection 4, provide his or her current and valid driver's license or identification card issued by the Department of Motor Vehicles which shows his or her physical address as proof of the elector's identity and residency.

4. If the driver's license or identification card issued by the Department of Motor Vehicles to the elector does not have the elector's current residential address, the following documents may be used to establish the residency of the elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

(a) A military identification card;

(b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;

(c) A bank or credit union statement;

(d) A paycheck;

- (e) An income tax return;
- (f) A statement concerning the mortgage, rental or lease of a residence;
- (g) A motor vehicle registration;
- (h) A property tax statement; or
- (i) Any other document issued by a governmental agency.

5. Subject to final verification, if an elector submits an application to register to vote and appears at a polling place to vote in person pursuant to this section:

(a) The elector shall be deemed to be conditionally registered to vote at the polling place upon:

(1) The determination that the elector submitted the application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671 and that the application to register to vote is complete; and

(2) The verification of the elector's identity and residency pursuant to this section.

(b) After the elector is deemed to be conditionally registered to vote at the polling place pursuant to paragraph (a), the elector:

(1) May vote in the election only at that polling place;

(2) Must vote as soon as practicable and before leaving that polling place; and

(3) Must vote by casting a provisional ballot, unless it is verified, at that time, that the elector is qualified to register to vote and to cast a regular ballot in the election at that polling place.

Sec. 44. NRS 293.675 is hereby amended to read as follows:

293.675 1. The Secretary of State shall establish and maintain an official statewide voter registration list, which may be maintained on the Internet, in consultation with each county and city clerk.

2. The statewide voter registration list must:

(a) Be a uniform, centralized and interactive computerized list;

(b) Serve as the single method for storing and managing the official list of registered voters in this State;

(c) Serve as the official list of registered voters for the conduct of all elections in this State;

(d) Contain the name and registration information of every legally registered voter in this State;

(e) Include a unique identifier assigned by the Secretary of State to each legally registered voter in this State;

(f) Except as otherwise provided in subsection ~~{7,}~~ 8, be coordinated with the appropriate databases of other agencies in this State;

(g) Be electronically accessible to each state and local election official in this State at all times;

(h) Except as otherwise provided in subsection ~~{8,}~~ 9, allow for data to be shared with other states under certain circumstances; and

(i) Be regularly maintained to ensure the integrity of the registration process and the election process.

3. Each county and city clerk shall:

(a) Except for information related to the preregistration of persons to vote, electronically enter into the statewide voter registration list all information related to voter registration obtained by the county or city clerk at the time the information is provided to the county or city clerk; and

(b) Provide the Secretary of State with information concerning the voter registration of the county or city and other reasonable information requested by the Secretary of State in the form required by the Secretary of State to establish or maintain the statewide voter registration list.

4. In establishing and maintaining the statewide voter registration list, the Secretary of State shall enter into a cooperative agreement with the Department of Motor Vehicles to match information in the database of the statewide voter registration list with information in the appropriate database of the Department of Motor Vehicles to verify the accuracy of the information in an application to register to vote.

5. The Department of Motor Vehicles shall enter into an agreement with the Social Security Administration pursuant to 52 U.S.C. § 21083, to verify the accuracy of information in an application to register to vote.

6. The Department of Motor Vehicles shall ensure that its database:

(a) Is capable of processing any information related to an application to register to vote, an application to update voter registration information or a request to verify the accuracy of voter registration information as quickly as is feasible; and

(b) Does not limit the number of applications to register to vote, applications to update voter registration information or requests to verify the accuracy of voter registration information that may be processed by the database in any given day.

7. *The Secretary of State shall enter into a cooperative agreement with the State Registrar of Vital Statistics to match information in the database of the statewide voter registration list with information in the records of State Registrar of Vital Statistics concerning the death of a resident of this State to maintain the statewide voter registration list. The Secretary of State must compare the records of the State Registrar of Vital Statistics to those in the statewide voter registration list at least once per month.*

8. Except as otherwise provided in NRS 481.063 or any provision of law providing for the confidentiality of information, the Secretary of State may enter into an agreement with an agency of this State pursuant to which the agency provides to the Secretary of State any information in the possession of the agency that the Secretary of State deems necessary to maintain the statewide voter registration list.

~~{8.}~~ 9. The Secretary of State may:

(a) Request from the chief officer of elections of another state any information which the Secretary of State deems necessary to maintain the statewide voter registration list; and

(b) Provide to the chief officer of elections of another state any information which is requested and which the Secretary of State deems necessary for the chief officer of elections of that state to maintain a voter registration list, if the Secretary of State is satisfied that the information provided pursuant to this paragraph will be used only for the maintenance of that voter registration list.

Sec. 45. NRS 293.730 is hereby amended to read as follows:

293.730 1. Except for an election board officer in the course of the election board officer's official duties, a person shall not:

(a) Remain in or outside of any polling place so as to interfere with the conduct of the election.

(b) Accept from any voter a ballot prepared by or on behalf of the voter, other than ~~{an absent ballot, mailing ballot,}~~ a mail ballot or military-overseas ballot prepared by or on behalf of the voter with his or her authorization pursuant to this title.

(c) Remove a ballot from any polling place before the closing of the polls.

(d) Apply for or receive a ballot at any election precinct or district other than one at which the person is entitled to vote.

(e) Show his or her ballot to another person, after voting, so as to reveal any of his or her votes on the ballot, other than on his or her ~~{absent ballot, mailing ballot,}~~ mail ballot or military-overseas ballot prepared by or on behalf of the voter with his or her authorization pursuant to this title.

(f) Inside a polling place, ask another person for his or her name, address or political affiliation or for whom he or she intends to vote.

(g) Send, transmit, distribute or deliver a ballot to a voter, other than ~~{an absent ballot, mailing ballot,}~~ a mail ballot or military-overseas ballot when permitted pursuant to this title.

(h) Except when permitted by the voter, alter, change, deface, damage or destroy ~~{an absent ballot, mailing ballot,}~~ a mail ballot or military-overseas ballot prepared by or on behalf of the voter with his or her authorization pursuant to this title.

2. A voter shall not:

(a) Accept a ballot from another person, other than an election board officer in the course of the election board officer's official duties or a person who sends, transmits, distributes or delivers ~~{an absent ballot, mailing ballot,}~~ a mail ballot or military-overseas ballot to the voter when permitted pursuant to this title.

(b) Deliver to an election board officer in the course of the election board officer's official duties any ballot other than the one received.

(c) Place any mark upon his or her ballot by which it may afterward be identified as the one that he or she voted, other than any such mark that is permitted to be placed on ~~{an absent ballot, mailing ballot,}~~ a mail ballot or

military-overseas ballot prepared by or on behalf of the voter with his or her authorization pursuant to this title.

3. *A person other than a county or city clerk shall not set up a ballot drop box that purports to be an official ballot drop box for mail ballots.*

4. Any person who violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 46. NRS 293.908 is hereby amended to read as follows:

293.908 1. The following persons may request that personal information contained in the records of the Secretary of State or a county or city clerk be kept confidential:

- (a) Any justice or judge in this State.
- (b) Any senior justice or senior judge in this State.
- (c) Any court-appointed master in this State.
- (d) Any clerk of a court, court administrator or court executive officer in this State.

(e) Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:

- (1) Crimes that are punishable as category A felonies; or
- (2) Domestic violence.

(f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:

- (1) Crimes that are punishable as category A felonies; or
- (2) Domestic violence.

(g) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

- (1) Interacts with the public; and
- (2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

(h) Any county manager in this State.

(i) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

- (1) Who possess specialized training in code enforcement;
- (2) Who, as part of his or her normal job responsibilities, interacts with the public; and
- (3) Whose primary duties are the performance of tasks related to code enforcement.

(j) *Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by the county or city clerk or registrar of voters in the elections division of the county or city.*

(k) The spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~[(i)]~~ (j), inclusive.

~~[(k)]~~ (l) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~[(i)]~~ (j) inclusive, who was killed in the performance of his or her duties.

2. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) "Social worker" means any person licensed under chapter 641B of NRS.

Sec. 47. NRS 293B.130 is hereby amended to read as follows:

293B.130 1. Before any election where a mechanical voting system is to be used, the county clerk shall prepare or cause to be prepared a computer program on cards, tape or other material suitable for use with the computer or counting device to be employed for counting the votes cast. The program must cause the computer or counting device to operate in the following manner:

(a) All lawful votes cast by each voter must be counted.

(b) All unlawful votes, including, ~~but not limited to,~~ *without limitation*, overvotes or, in a primary election, votes cast for a candidate of a major political party other than the party, if any, of the registration of the voter must not be counted.

(c) If the election is:

(1) A primary election held in an even-numbered year; or

(2) A general election,

➔ the total votes, other than ~~absentee votes and votes in a mailing precinct,~~ *mail ballots*, must be accumulated by precinct.

(d) The computer or counting device must halt or indicate by appropriate signal if a ballot is encountered which lacks a code identifying the precinct in which it was voted and, in a primary election, identifying the major political party of the voter.

2. The program must be prepared under the supervision of the accuracy certification board appointed pursuant to the provisions of NRS 293B.140.

3. The county clerk shall take such measures as he or she deems necessary to protect the program from being altered or damaged.

Sec. 48. NRS 293B.360 is hereby amended to read as follows:

293B.360 1. To facilitate the processing and computation of votes cast at any election conducted under a mechanical voting system, the county clerk shall create a computer program and processing accuracy board, and may create:

(a) A central ballot inspection board;

(b) ~~An absent~~ *A mail* ballot ~~mailing precinct~~ inspection board;

(c) A ballot duplicating board;

(d) A ballot processing and packaging board; and

(e) Such additional boards or appoint such officers as the county clerk deems necessary for the expeditious processing of ballots.

2. Except as otherwise provided in subsection 3, the county clerk may determine the number of members to constitute any board. The county clerk

shall make any appointments from among competent persons who are registered voters in this State. The members of each board must represent all political parties as equally as possible. The same person may be appointed to more than one board but must meet the particular qualifications for each board to which he or she is appointed.

3. If the county clerk creates a ballot duplicating board, the county clerk shall appoint to the board at least two members. The members of the ballot duplicating board must not all be of the same political party.

4. All persons appointed pursuant to this section serve at the pleasure of the county clerk.

Sec. 49. NRS 293B.380 is hereby amended to read as follows:

293B.380 1. The ballot processing and packaging board must be composed of persons who are qualified in the use of the data processing equipment to be operated for the voting count.

2. The board shall:

(a) Allow members of the general public to observe the counting area where the computers are located during the period when ballots are being processed if those members do not interfere with the processing of the ballots.

(b) Receive ballots and maintain groupings of them by precinct.

(c) Before each counting of the ballots or computer run begins, validate the testing material with the counting program.

(d) Maintain a log showing the sequence in which the ballots of each precinct are processed, as a measure to ensure that the ballots of all precincts are processed.

(e) After each counting of the ballots, again verify the testing material with the counting program to substantiate that there has been no substitution or irregularity.

(f) Record an explanation of any irregularity that occurs in the processing.

(g) If the election is:

(1) A primary election held in an even-numbered year; or

(2) A general election,

➔ ensure that a list is compiled indicating the total votes, other than ~~absentee votes and votes in a mailing precinct,~~ *mail ballots*, which each candidate accumulated in each precinct.

(h) Collect all returns, programs, testing materials, ballots and other items used in the election at the computer center and package and deliver the items to the county clerk for sealing and storage.

Sec. 50. Chapter 293C of NRS is hereby amended by adding thereto the provisions set forth as sections 51 to 65, inclusive, of this act.

Sec. 51. 1. *Except as otherwise provided in this section, the city clerk shall prepare and distribute to each active registered voter in the city and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The city clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without*

limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled.

2. The city clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the city clerk a written notice in the form prescribed by the city clerk which must be received by the city clerk not later than 60 days before the day of the election.

3. The city clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or

(b) Elects not to receive a mail ballot pursuant to subsection 2.

4. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

5. Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, not later than 20 days before the election; and

(2) Except as otherwise provided in paragraph (b), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

6. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

7. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 52. 1. Except as otherwise provided in subsection 2, section 51 of this act and chapter 293D of NRS, the city clerk shall send to each active registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:

(a) A mail ballot;

(b) A return envelope;

(c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and

(d) Instructions.

2. In sending a mail ballot to an active registered voter, the city clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.

3. The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Before sending a mail ballot to an active registered voter, the city clerk shall record:

(a) The date the mail ballot is issued;

(b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;

(c) The number of the mail ballot; and

(d) Any remarks the city clerk finds appropriate.

Sec. 53. 1. Except as otherwise provided in subsection 2, if a person applied by mail or computer to register to vote, or preregistered to vote by mail or computer and is subsequently deemed to be registered to vote, and the person has not previously voted in any election for federal office in this State, the city clerk must inform the person that he or she must include a copy of the information required in paragraph (b) of subsection 1 of NRS 293.2725 in the return envelope with the mail ballot.

2. The provisions of subsection 1 do not apply to a person who:

(a) Registers to vote by mail or computer, or preregisters to vote by mail or computer and is subsequently deemed to be registered to vote, and submits with his or her application to preregister or register to vote:

(1) A copy of a current and valid photo identification; or

(2) A copy of a current utility bill, bank statement, paycheck or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card;

(b) Registers to vote by mail or computer and submits with his or her application to register to vote a driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(c) Registers to vote pursuant to NRS 293.5732 to 293.5757, inclusive, and at that time presents to the Department of Motor Vehicles:

(1) A copy of a current and valid photo identification;

(2) A copy of a current utility bill, bank statement, paycheck or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card; or

(3) A driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(d) Is entitled to vote pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.;

(e) Is provided the right to vote otherwise than in person pursuant to the provisions of the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.; or

(f) Is entitled to vote otherwise than in person pursuant to the provisions of any other federal law.

3. If a person fails to provide the identification required pursuant to paragraph (b) of subsection 1 of NRS 293.2725 with his or her mail ballot:

(a) The mail ballot must be treated as a provisional ballot; and

(b) The city clerk must:

(1) Contact the person;

(2) Allow the person to provide the identification required before 5 p.m. on the sixth day following the election; and

(3) If the identification required pursuant to paragraph (b) of subsection 1 of NRS 293.2725 is provided, ensure the mail ballot is delivered to the appropriate mail ballot central counting board.

Sec. 54. 1. Except as otherwise provided in section 55 of this act and chapter 293D of NRS, in order to vote a mail ballot, the voter must, in accordance with the instructions:

(a) Mark and fold the mail ballot;

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

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

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

2. Except as otherwise provided in chapter 293D of NRS, voting must be only upon candidates whose names appear upon the mail ballot as prepared pursuant to section 51 of this act, and no person may write in the name of an additional candidate for any office.

3. If a mail ballot has been sent to a voter who applies to vote in person at a polling place, including, without limitation, a polling place for early voting, the voter must, in addition to complying with all other requirements for voting in person that are set forth in this chapter, surrender his or her mail ballot or sign an affirmation under penalty of perjury that the voter has not voted during the election. A person who receives a surrendered mail ballot shall mark it "Cancelled."

Sec. 55. 1. Except as otherwise provided in this section, a person shall not mark and sign a mail ballot on behalf of a voter or assist a voter to mark and sign a mail ballot pursuant to the provisions of sections 51 to 65, inclusive, of this act.

2. At the direction of a voter who has a physical disability, is at least 65 years of age or is unable to read or write, a person may mark and sign a mail ballot on behalf of the voter or assist the voter to mark and sign a mail ballot pursuant to this section.

3. If a person marks and signs a mail ballot on behalf of a voter pursuant to this section, the person must indicate next to his or her signature that the mail ballot has been marked and signed on behalf of the voter.

4. If a person assists a voter to mark and sign a mail ballot pursuant to this section, the person must include on the return envelope his or her name, address and signature.

Sec. 56. 1. Except as otherwise provided in subsection 2 and chapter 293D of NRS, in order for a mail ballot to be counted for any election, the mail ballot must be:

(a) Before the time set for closing of the polls, delivered by hand to the city clerk, or any ballot drop box established in the city, pursuant to this section; or

(b) Mailed to the city clerk, and:

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

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

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

3. Each city clerk must establish a ballot drop box at every polling place in the city, including, without limitation, a polling place for early voting. A city clerk may establish a drop box at any other location in the city where mail ballots can be delivered by hand and collected during the period for early voting and on election day. No person other than a clerk may establish a drop box for mail ballots.

4. A ballot drop box must be:

(a) Constructed of metal or any other rigid material of sufficient strength and resistance to protect the security of the mail ballots; and

(b) Capable of securely receiving and holding the mail ballots and being locked.

5. A ballot drop box must be:

(a) Placed in an accessible and convenient location at the office of the city clerk, or a polling place in the city; and

(b) Made available for use during the hours when the office of the city clerk, or the polling place, is open for business or voting, as applicable.

Sec. 57. 1. Except as otherwise provided in subsection 2, at the request of a voter whose mail ballot has been prepared by or on behalf of the voter, a person authorized by the voter may return the mail ballot on behalf of the voter by mail or personal delivery to the city clerk, or any ballot drop box established in the city pursuant to section 56 of this act.

2. Except for an election board officer in the course of the election board officer's official duties, a person shall not willfully:

(a) Impede, obstruct, prevent or interfere with the return of a voter's mail ballot;

(b) Deny a voter the right to return the voter's mail ballot; or

(c) If the person receives the voter's mail ballot and authorization to return the mail ballot on behalf of the voter by mail or personal delivery, fail to return the mail ballot, unless otherwise authorized by the voter, by mail or personal delivery;

(1) Before the end of the third day after the day of receipt, if the person receives the mail ballot from the voter four or more days before the day of the election; or

(2) Before the deadline established by the United States Postal Service for the mail ballot to be postmarked on the day of the election or before the polls close on the day of the election, as applicable to the type of delivery, if the person receives the mail ballot from the voter three or fewer days before the day of the election.

3. A person who violates any provision of subsection 2 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 58. 1. The city clerk shall establish procedures for the processing and counting of mail ballots.

2. The procedures established pursuant to subsection 1:

(a) May authorize mail ballots to be processed and counted by computer or other electronic means; and

(b) Must not conflict with the provisions of sections 51 to 65, inclusive, of this act.

Sec. 59. 1. Except as otherwise provided in NRS 293D.200, when a mail ballot is returned by or on behalf of a voter to the city clerk, and a record of its return is made in the mail ballot record for the election, the clerk or an employee in the office of the clerk shall check the signature used for the ballot by electronic means pursuant to subsection 2 or manually pursuant to subsection 3.

2. To check the signature used for a mail ballot by electronic means:

(a) The electronic device must take a digital image of the signature used for the mail ballot and electronically compare the digital image with the signatures of the voter from his or her application to register to vote or application to preregister to vote available in the records of the city clerk.

(b) If the electronic device does not match the signature of the voter, the signature shall be reviewed manually pursuant to the provisions of subsection 3.

3. To check the signature used for a mail ballot manually, the city clerk shall use the following procedure:

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

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

4. For purposes of subsection 3:

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

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

(1) *The signature used for the mail ballot is a variation of the signature of the voter caused by the substitution of initials for the first or middle name, the substitution of a different type of punctuation in the first, middle or last name, the use of a common nickname or the use of one last name for a person who has two last names and it does not otherwise differ in multiple, significant and obvious respects from the signatures of the voter available in the records of the clerk; or*

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

5. *Except as otherwise provided in subsection 6, if the clerk determines that the voter is entitled to cast the mail ballot, the clerk shall deposit the mail ballot in the proper ballot box or place the mail ballot, unopened, in a container that must be securely locked or under the control of the clerk at all times. The clerk shall deliver the mail ballots to the mail ballot central counting board to be processed and prepared for counting.*

6. *If the clerk determines when checking the signature used for the mail ballot that the voter failed to affix his or her signature or failed to affix it in the manner required by law for the mail ballot or that there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, but the voter is otherwise entitled to cast the mail ballot, the clerk shall contact the voter and advise the voter of the procedures to provide a signature or a confirmation that the signature used for the mail ballot belongs to the voter, as applicable. For the mail ballot to be counted, the voter must provide a signature or a confirmation, as applicable, not later than 5 p.m. on the sixth day following the election.*

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

(a) *Contact the voter;*

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

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

8. *If there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, the voter must be identified by:*

(a) Answering questions from the city clerk covering the personal data which is reported on the application to register to vote;

(b) Providing the city clerk, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the city clerk with proof of identification as described in NRS 293C.270 other than the voter registration card issued to the voter.

9. *The procedures established pursuant to subsection 7 for contacting a voter must require the clerk to contact the voter, as soon as possible after receipt of the mail ballot, by:*

(a) Mail;

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

(c) Electronic means, which may include, without limitation, electronic mail, if the voter has provided the clerk with sufficient information to contact the voter by such means.

Sec. 60. 1. *The city clerk shall appoint a mail ballot central counting board for the election.*

2. *The clerk shall appoint and notify voters to act as election board officers for the mail ballot central counting board in such numbers as the clerk determines to be required by the volume of mail ballots required to be sent to each active registered voter in the city for the election. The voters appointed as election board officers for the mail ballot central counting board must not all be of the same political party. No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as such an election board officer.*

3. *The clerk's deputies who perform duties in connection with elections shall be deemed officers of the mail ballot central counting board.*

4. *The mail ballot central counting board is under the direction of the clerk.*

Sec. 61. 1. *The mail ballot central counting board may begin counting the received mail ballots 15 days before the day of the election. The board must complete the count of all mail ballots on or before the seventh day following the election. The counting procedure must be public.*

2. *If two or more mail ballots are found folded together to present the appearance of a single ballot, the mail ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by an election board officer and placed in the container or ballot box after the count is completed.*

Sec. 62. *Except as otherwise provided in NRS 293D.200, each mail ballot central counting board shall process the mail ballots in the following manner:*

1. *The name of the voter, as shown on the return envelope, must be checked as if the voter were voting in person;*

2. An election board officer shall indicate in the roster "Received" by the name of the voter;

3. If the board determines the voter is entitled to cast a mail ballot and all other processing steps have been completed, the return envelope must be opened and the mail ballot counted;

4. An election board officer shall indicate "Voted" by the name of the voter; and

5. When all mail ballots delivered to the board have been voted or rejected, except as otherwise provided in NRS 293D.200, the empty envelopes and the envelopes containing rejected mail ballots must be returned to the clerk. On all envelopes containing rejected mail ballots, the cause of rejection must be noted and the envelope signed by an election board officer.

Sec. 63. 1. The voting results of the mail ballot vote in each precinct must be certified and submitted to the city clerk, who shall have the results added to the votes of the precinct that were not cast by mail ballot. The returns of the mail ballot vote must be reported separately from the other votes that were not cast by mail ballot in the precinct unless reporting the returns separately would violate the secrecy of a voter's ballot.

2. The clerk shall develop a procedure to ensure that each mail ballot is kept secret.

3. No voting results of mail ballots may be released until all polling places are closed and all votes have been cast on the day of the election. Any person who disseminates to the public in any way information pertaining to the count of mail ballots before all polling places are closed and all votes have been cast on the day of the election is guilty of a misdemeanor.

Sec. 64. At least once each year, each city clerk and all members of his or her staff whose duties include administering an election must complete a training class on forensic signature verification that is approved by the Secretary of State.

Sec. 65. If a city clerk uses an electronic device in an election to verify signatures on mail ballots:

1. The city clerk must conduct a test of the accuracy of the electronic devices before the election. The test must be conducted in a manner that ensures the electronic device will use the same standards for determining the validity of a signature as would be used by a natural person verifying the signature pursuant to section 59 of this act.

2. The city clerk must perform daily audits of each electronic device during the processing of mail ballots for the election. The daily audit must include a review of a sample of at least 1 percent of the signatures verified each day. The city clerk shall appoint election board officers who must not all be of the same political party to manually review the signatures. The city clerk must prepare a report of each daily audit.

Sec. 66. NRS 293C.110 is hereby amended to read as follows:

293C.110 1. Except as otherwise provided in ~~subsection 2 and~~ NRS 293.5817 ~~1~~ and sections 51 to 65, inclusive, of this act, the conduct of

any city election is under the control of the governing body of the city, and it shall, by ordinance, provide for the holding of the election, appoint the necessary election officers and election boards and do all other things required to carry the election into effect.

2. ~~{Except as otherwise provided in NRS 293C.112, the}~~ The governing body of the city ~~{shall}~~ may provide for ~~{:~~

~~—(a) Absent ballots to be voted in a city election pursuant to NRS 293C.304 to 293C.340, inclusive, except for the provisions of NRS 293C.327 and 293C.328 unless the governing body of the city provides for the applicability of those provisions pursuant to paragraph (b); and~~

~~—(b) The}~~ the conduct of ~~{:~~

~~—(1) Early}~~ early voting by personal appearance in a city election pursuant to NRS 293.5772 to 293.5887, inclusive, and 293C.355 to 293C.361, inclusive . ~~{:~~

~~—(2) Voting by absent ballot in person in a city election pursuant to NRS 293C.327 and 293C.328; or~~

~~—(3) Both early voting by personal appearance as described in subparagraph (1) and voting by absent ballot in person as described in subparagraph (2).}~~

Sec. 67. NRS 293C.112 is hereby amended to read as follows:

293C.112 1. The governing body of a city may conduct a city election in which all ballots must be cast by mail *in accordance with the provisions of sections 51 to 65, inclusive, of this act*, if:

(a) The election is a special election; or

(b) The election is a primary city election or general city election in which the ballot includes only:

(1) Offices and ballot questions that may be voted on by the registered voters of only one ward; or

(2) One office or ballot question.

2. The provisions of NRS 293.5772 to 293.5887, inclusive, 293C.265 to 293C.302, inclusive, ~~{293C.304 to 293C.340, inclusive,}~~ and 293C.355 to 293C.361, inclusive, do not apply to an election conducted pursuant to this section.

~~{3. For the purposes of an election conducted pursuant to this section, each precinct in the city shall be deemed to have been designated a mailing precinct pursuant to NRS 293C.342.}~~

Sec. 68. NRS 293C.220 is hereby amended to read as follows:

293C.220 1. The city clerk shall appoint and notify registered voters to act as election board officers for the various polling places and precincts in the city as provided in NRS 293.225, 293.227, 293C.227 to ~~{293C.245,}~~ 293C.228, inclusive, and ~~{293C.382.}~~ *section 60 of this act*. No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the city clerk, the chief law enforcement officer of the city shall:

(a) Appoint an officer for each polling place in the city and for the central election board ~~for~~ and the ~~absent~~ mail ballot central counting board; or

(b) Deputize, as an officer for the election, an election board officer for each polling place and for the central election board ~~for~~ and the ~~absent~~ mail ballot central counting board. The deputized officer may not receive any additional compensation for the services he or she provides as an officer during the election for which the officer is deputized.

➔ Officers so appointed and deputized shall preserve order during hours of voting and attend the closing of the polls.

2. The city clerk may appoint a trainee for the position of election board officer as set forth in NRS 293C.222.

Sec. 69. NRS 293C.265 is hereby amended to read as follows:

293C.265 1. Except as otherwise provided in subsection 2 and in NRS 293.2725 and 293.3083, a person who registered by mail or computer to vote shall, for the first city election in which the person votes at which that registration is valid, vote in person unless he or she has previously voted in the county in which he or she is registered to vote.

2. The provisions of subsection 1 do not apply to a person who:

(a) ~~Is entitled to vote in the manner prescribed in NRS 293C.342 to 293C.352, inclusive;~~

~~—(b) Is entitled to vote [an absent ballot] otherwise than in person pursuant to federal law, [NRS 293C.317] or chapter 293D of NRS;~~

~~{(e)}~~ (b) Is disabled;

~~{(d)}~~ (c) Is provided the right to vote otherwise than in person pursuant to the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.;

~~{(e)} Submits or has previously submitted a written request for an absent ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath;~~

~~—(f) Requests an absent ballot in person at the office of the city clerk; or~~

~~{(g)}~~ (d) Is sent a mail ballot pursuant to the provisions of ~~[NRS 293.8847]~~ section 52 of this act and includes a copy of the information required pursuant to paragraph (b) of subsection 1 of NRS 293.2725 with his or her voted mail ballot, if required pursuant to ~~[NRS 293.8851.]~~ section 53 of this act.

Sec. 70. NRS 293C.2675 is hereby amended to read as follows:

293C.2675 1. If an Indian reservation or Indian colony is located in whole or in part within a city, the Indian tribe may submit a request to the city clerk for the establishment ~~[of a polling place]~~ within the boundaries of the Indian reservation or Indian colony for the day of a primary city election or general city election ~~[.]~~ of:

(a) A polling place;

(b) A ballot drop box; or

(c) Both a polling place and a ballot drop box.

2. A request for the establishment of a polling place , a ballot drop box or both a polling place and a ballot drop box within the boundaries of an Indian

reservation or Indian colony for the day of a primary city election or general city election:

(a) Must be submitted to the city clerk by the Indian tribe on or before:

(1) If the request is for a primary city election, ~~[the first Friday in January]~~ *March 1* of the year in which the primary city election is to be held.

(2) If the request is for a general city election, ~~[the first Friday in July]~~ *August 1* of the year in which the general city election is to be held.

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the polling place ~~[]~~ *or ballot drop box*. Any proposed location for a polling place *or ballot drop box* must satisfy the criteria the city clerk uses for the establishment of any other polling place ~~[]~~ *or ballot drop box, as applicable*.

3. Except as otherwise provided in this subsection, if the city clerk receives a request that satisfies the requirements set forth in subsection 2, the city clerk must establish at least one polling place *or ballot drop box* within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe for the day of a primary city election or general city election. The city clerk is not required to establish a polling place within the boundaries of the Indian reservation or Indian colony for the day of a primary city election or general city election if the city clerk established a temporary branch polling place for early voting pursuant to NRS 293C.3572 within the boundaries of the Indian reservation or Indian colony for the same election.

4. If the city clerk establishes one or more polling places *or ballot drop boxes* within the boundaries of an Indian reservation or Indian colony pursuant to subsection 3 for the day of a primary city election or general city election, the city clerk must continue to establish one or more polling places *or ballot drop boxes* within the boundaries of the Indian reservation or Indian colony at a location or locations approved by the Indian tribe for the day of any future primary city election or general city election unless otherwise requested by the Indian tribe.

Sec. 71. NRS 293C.275 is hereby amended to read as follows:

293C.275 1. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, and 293C.272:

(a) A registered voter who applies to vote must state his or her name to the election board officer in charge of the roster; and

(b) The election board officer shall:

(1) Announce the name of the registered voter;

(2) Instruct the registered voter to sign the roster or signature card;

(3) Verify the signature of the registered voter in the manner set forth in NRS 293C.270; and

(4) Verify that the registered voter has not already voted in that city in the current election.

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the voter registration card issued to the voter.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. *For the purposes of subsection 2, the personal data of a voter may include his or her date of birth.*

Sec. 72. NRS 293C.302 is hereby amended to read as follows:

293C.302 1. If a court of competent jurisdiction orders a city to extend the deadline for voting beyond the statutory period in an election, the city clerk shall, as soon as practicable after receiving notice of the decision of the court:

(a) Cause notice of the extended period to be published in a newspaper of general circulation in the city or if no newspaper is of general circulation in that city, in a newspaper of general circulation in the nearest city; and

(b) Transmit a notice of the extended deadline to each registered voter who ~~requested an absent voter's~~ *received a mail* ballot for the election and has not returned the *mail* ballot before the date on which the notice will be transmitted.

2. The notice required pursuant to paragraph (a) of subsection 1 must be published:

(a) In a city whose population is 25,000 or more, on at least 3 successive days.

(b) In a city whose population is less than 25,000, at least twice in successive issues of the newspaper.

Sec. 73. NRS 293C.3564 is hereby amended to read as follows:

293C.3564 1. The city clerk in a city ~~providing for early voting pursuant to subparagraph (1) of paragraph (b) of subsection 2 of NRS 293C.110~~ shall establish at least one permanent polling place for early voting by personal appearance in the city at the locations selected pursuant to NRS 293C.3561.

2. Any person entitled to vote early by personal appearance may do so at any polling place for early voting.

Sec. 74. NRS 293C.3572 is hereby amended to read as follows:

293C.3572 1. In addition to permanent polling places for early voting, except as otherwise provided in subsection 4, the city clerk may establish temporary branch polling places for early voting pursuant to NRS 293C.3561.

2. If an Indian reservation or Indian colony is located in whole or in part within a city, the Indian tribe may submit a request to the city clerk for the establishment of a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.

3. A request for the establishment of a temporary branch polling place within the boundaries of an Indian reservation or Indian colony:

(a) Must be submitted to the city clerk by the Indian tribe on or before:

(1) If the request is for a primary city election, ~~[the first Friday in January]~~ *March 1* of the year in which the primary city election is to be held.

(2) If the request is for a general city election, ~~[the first Friday in July]~~ *August 1* of the year in which the general city election is to be held.

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the temporary branch polling place and proposed hours thereof. Any proposed location must satisfy the criteria established by the city clerk pursuant to NRS 293C.3561.

4. Except as otherwise provided in this subsection, if the city clerk receives a request that satisfies the requirements set forth in subsection 3, the city clerk must establish at least one temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony. The location and hours of operation of such a temporary branch polling place for early voting must be approved by the Indian tribe. The city clerk is not required to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony if the city clerk determines that it is not logistically feasible to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.

5. If the city clerk establishes one or more temporary branch polling places within the boundaries of an Indian reservation or Indian colony pursuant to subsection 4 for early voting, the city clerk must continue to establish one or more temporary branch polling places within the boundaries of the Indian reservation or Indian colony at a location or locations approved by the Indian tribe for early voting in future elections unless otherwise requested by the Indian tribe.

6. The provisions of subsection 3 of NRS 293C.3568 do not apply to a temporary branch polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the city clerk.

7. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

8. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

Sec. 75. NRS 293C.3585 is hereby amended to read as follows:

293C.3585 1. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, and 293C.272, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

(a) Determine that the person is a registered voter in the county.

(b) Instruct the voter to sign the roster for early voting or a signature card.

(c) Verify the signature of the voter in the manner set forth in NRS 293C.270.

(d) Verify that the voter has not already voted in that city in the current election.

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the voter registration card issued to the voter.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that city in the current election.

5. The roster for early voting or signature card, as applicable, must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number, if that information is available; and

(c) The date of voting early in person.

6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293C.292.

9. *For the purposes of subsection 2, the personal data of a voter may include his or her date of birth.*

Sec. 76. NRS 293C.3615 is hereby amended to read as follows:

293C.3615 The city clerk shall make a record of the receipt at the central counting place of each sealed container used to transport official ballots pursuant to NRS 293C.295, ~~[293C.325,]~~ 293C.630 and 293C.635. The record

must include the numbers indicated on the container and its seal pursuant to NRS 293C.700.

Sec. 77. NRS 293C.362 is hereby amended to read as follows:

293C.362 ~~{Except as otherwise provided for an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive;}~~

1. When the polls are closed, the counting board shall prepare to count the ballots voted. The counting procedure must be public and continue without adjournment until completed.

2. If the ballots are paper ballots, the counting board shall prepare in the following manner:

(a) The container that holds the ballots or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to determine whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.

(b) If the ballots in the container or box are found to exceed the number of names as are indicated on the roster as having voted, the ballots must be replaced in the container or box and a counting board officer shall, with his or her back turned to the container or box, draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the city clerk with the other ballots rejected for any cause.

(c) When it has been determined that the number of ballots agrees with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.

Sec. 78. NRS 293C.365 is hereby amended to read as follows:

293C.365 ~~Except as otherwise provided {for an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive;}~~ *in section 61 of this act*, a counting board in any precinct, district or polling place in which paper ballots are used may not begin to count the votes until all ballots used or unused are accounted for.

Sec. 79. NRS 293C.387 is hereby amended to read as follows:

293C.387 1. The election returns from a special election, primary city election or general city election must be filed with the city clerk, who shall immediately place the returns in a safe or vault designated by the city clerk. No person may handle, inspect or in any manner interfere with the returns until they are canvassed by the mayor and the governing body of the city.

2. After the governing body of a city receives the returns from all the precincts and districts in the city, it shall meet with the mayor to canvass the returns. The canvass must be completed on or before the 10th day following the election . ~~for, if applicable, the 13th day following an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive.~~

3. In completing the canvass of the returns, the governing body of the city and the mayor shall:

- (a) Note separately any clerical errors discovered; and
- (b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

4. After the canvass is completed, the governing body of the city and mayor shall declare the result of the canvass.

5. The city clerk shall enter upon the records of the governing body of the city an abstract of the result. The abstract must be prepared in the manner prescribed by regulations adopted by the Secretary of State and must contain the number of votes cast for each candidate.

6. After the abstract is entered, the:

(a) City clerk shall seal the election returns, maintain them in a vault for at least 22 months and give no person access to them during that period, unless access is ordered by a court of competent jurisdiction or by the governing body of the city.

(b) Governing body of the city shall, by an order made and entered in the minutes of its proceedings, cause the city clerk to:

- (1) Certify the abstract;
- (2) Make a copy of the certified abstract;
- (3) Make a mechanized report of the abstract in compliance with regulations adopted by the Secretary of State;
- (4) Transmit a copy of the certified abstract and the mechanized report of the abstract to the Secretary of State on or before the 10th day following the election ; ~~for, if applicable, the 13th day following an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive;~~ and

(5) Transmit on paper or by electronic means to each public library in the city, or post on a website maintained by the city or the city clerk on the Internet or its successor, if any, a copy of the certified abstract within 30 days after the election.

7. After the abstract of the results from a:

(a) Primary city election has been certified, the city clerk shall certify the name of each person nominated and the name of the office for which the person is nominated.

(b) General city election has been certified, the city clerk shall:

- (1) Issue under his or her hand and official seal to each person elected a certificate of election; and
- (2) Deliver the certificate to the persons elected upon their application at the office of the city clerk.

8. The officers elected to the governing body of the city qualify and enter upon the discharge of their respective duties on the first regular meeting of that body next succeeding that in which the canvass of returns was made pursuant to subsection 2.

Sec. 80. NRS 293C.390 is hereby amended to read as follows:

293C.390 1. The voted ballots, rejected ballots, spoiled ballots, challenge lists, records printed on paper of voted ballots collected pursuant to NRS 293B.400, *reports prepared pursuant to section 65 of this act* and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk. The records of voted ballots that are maintained in electronic form must, after canvass of the votes by the governing body of the city, be sealed and deposited in the vaults of the city clerk. The tally lists collected pursuant to this title must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk without being sealed. All materials described by this subsection must be preserved for at least 22 months, and all such sealed materials must be destroyed immediately after that period. A notice of the destruction must be published by the city clerk in at least one newspaper of general circulation in the city or, if no newspaper is of general circulation in that city, in a newspaper of general circulation in the nearest city, not less than 2 weeks before the destruction of the materials.

2. Unused ballots, enclosed and sealed, must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.

3. The rosters containing the signatures of those persons who voted in the election and the tally lists deposited with the governing body of the city are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the city clerk.

4. A contestant of an election may inspect all of the material relating to that election which is preserved pursuant to subsection 1 or 2, except the voted ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the city clerk.

5. The voted ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the city clerk are not subject to the inspection of any person, except in cases of a contested election, and only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of the judge, body or board.

6. As used in this section, "vaults of the city clerk" means any place of secure storage designated by the city clerk.

Sec. 80.5. NRS 293C.527 is hereby amended to read as follows:

293C.527 1. Except as otherwise provided in NRS 293.502, 293.5772 to 293.5887, inclusive, 293D.230 and 293D.300:

(a) For a primary city election or general city election, or a recall or special city election that is held on the same day as a primary city election or general city election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary city election or general city election.

(2) By appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520, is the fourth Tuesday preceding the primary city election or general city election.

(3) By computer, if the county clerk of the county in which the city is located has established a system pursuant to NRS 293.506 for using a computer to register voters, is the Thursday preceding the primary city election or general city election, unless the system is used to register voters for the election pursuant to NRS 293.5842 or 293.5847.

(4) By computer using the system established by the Secretary of State pursuant to NRS 293.671, is the ~~Thursday preceding~~ day of the primary city election or general city election. ~~[-, unless the system is used to register voters for the election pursuant to NRS 293.5842 or 293.5847.]~~

(b) If a recall or special city election is not held on the same day as a primary city election or general city election, the last day to register to vote for the recall or special city election by any method of registration is the third Saturday preceding the recall or special city election.

2. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, after the deadlines for the close of registration for a primary city election or general city election set forth in subsection 1, no person may register to vote for the election.

3. Except for a recall or special city election held pursuant to chapter 306 or 350 of NRS:

(a) The city clerk of each city shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the city indicating:

(1) The day and time that each method of registration for the election, as set forth in subsection 1, will be closed; and

(2) If the city clerk has designated a municipal facility pursuant to NRS 293C.520, the location of that facility.

➡ If no newspaper is of general circulation in that city, the publication may be made in a newspaper of general circulation in the nearest city in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the day on which the last method of registration for the election, as set forth in subsection 1, will be closed.

4. A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520.

Sec. 81. NRS 293C.640 is hereby amended to read as follows:

293C.640 1. To facilitate the processing and computation of votes cast at an election conducted under a mechanical voting system, the city clerk shall create a computer program and processing accuracy board, and may create:

- (a) A central ballot inspection board;
- (b) ~~[An absent]~~ A mail ballot ~~[mailing precinct]~~ inspection board;
- (c) A ballot duplicating board;
- (d) A ballot processing and packaging board; and
- (e) Such additional boards or appoint such officers as the city clerk deems necessary for the expeditious processing of ballots.

2. Except as otherwise provided in subsection 3, the city clerk may determine the number of members to constitute any board. The city clerk shall make any appointments from among competent persons who are registered voters in this State. The same person may be appointed to more than one board but must meet the qualifications for each board to which he or she is appointed.

3. If the city clerk creates a ballot duplicating board, the city clerk shall appoint to the board at least two members. The members of the ballot duplicating board must not all be of the same political party.

4. All persons appointed pursuant to this section serve at the pleasure of the city clerk.

Sec. 82. NRS 293C.700 is hereby amended to read as follows:

293C.700 1. Each container used to transport official ballots pursuant to NRS 293C.295, ~~[293C.325,]~~ 293C.630 and 293C.635 must:

- (a) Be constructed of metal or any other rigid material; and
- (b) Contain a seal which is placed on the container to ensure detection of any opening of the container.

2. The container and seal must be separately numbered for identification.

Sec. 83. NRS 293C.720 is hereby amended to read as follows:

293C.720 Each city clerk is encouraged to:

1. Not later than the earlier date of the first notice provided pursuant to subsection 3 of NRS 293.560 or NRS 293C.187, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293C.281, 293C.282 ~~[, 293C.310, 293C.317 and 293C.318.]~~ and section 51 of this act.

2. Provide in alternative audio and visual formats information concerning elections, information concerning how to preregister or register to vote and information concerning the manner of voting for use by a person who is elderly or disabled, including, without limitation, providing such information through a telecommunications device that is accessible to a person who is deaf.

3. Not later than 5 working days after receiving the request of a person who is elderly or disabled, provide to the person, in a format that can be used by the person, any requested material that is:

- (a) Related to elections; and
- (b) Made available by the city clerk to the public in printed form.

Sec. 84. NRS 293D.300 is hereby amended to read as follows:

293D.300 1. A covered voter who is registered to vote in this State may apply for a military-overseas ballot by submitting a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301(b)(2), or the

application's electronic equivalent, if the federal postcard application is received by the appropriate local elections official by the seventh day before the election.

2. A covered voter who is not registered to vote in this State may use the federal postcard application or the application's electronic equivalent simultaneously to apply to register to vote pursuant to NRS 293D.230 and to apply for a military-overseas ballot, if the federal postcard application is received by the appropriate local elections official by the seventh day before the election. If the federal postcard application is received after the seventh day before the election, it must be treated as an application to register to vote for subsequent elections.

3. The Secretary of State shall ensure that the system of approved electronic transmission described in subsection 2 of NRS 293D.200 is capable of accepting the submission of:

(a) Both a federal postcard application and any other approved electronic military-overseas ballot application sent to the appropriate local elections official; and

(b) A digital signature or an electronic signature of a covered voter on the documents described in paragraph (a).

4. A covered voter may use approved electronic transmission or any other method approved by the Secretary of State to apply for a military-overseas ballot.

5. A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20303, as an application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the appropriate local elections official by the seventh day before the election.

6. To receive the benefits of this chapter, a covered voter must inform the appropriate local elections official that he or she is a covered voter. Methods of informing the appropriate local elections official that a person is a covered voter include, without limitation:

(a) The use of a federal postcard application or federal write-in absentee ballot;

(b) The use of an overseas address on an approved voting registration application or ballot application; and

(c) The inclusion on an application to register to vote or an application for a military-overseas ballot of other information sufficient to identify that the person is a covered voter.

7. This chapter does not prohibit a covered voter from ~~applying for an absentee~~ *voting a mail* ballot pursuant to the provisions of chapter 293 or 293C of NRS or voting in person.

Sec. 84.5. NRS 295.026 is hereby amended to read as follows:

295.026 1. A petition for initiative or referendum may be withdrawn if a person authorized pursuant to NRS 295.015 to withdraw the petition submits

a notice of withdrawal to the Secretary of State on a form prescribed by the Secretary of State. Any such notice of withdrawal of:

(a) A petition for initiative that proposes a statute or an amendment to a statute must be submitted to the Secretary of State not later than 90 days before the election at which the question of approval or disapproval of the initiative will appear on the ballot;

(b) A petition for initiative that proposes an amendment to the Constitution must be submitted to the Secretary of State not later than 90 days before the first election at which the question of approval or disapproval of the initiative will appear on the ballot; or

(c) A petition for referendum must be submitted to the Secretary of State not later than 90 days before the election at which the question of approval or disapproval of the referendum will appear on the ballot.

2. Once a petition for initiative or referendum is withdrawn pursuant to subsection 1, no further action may be taken on that petition.

Sec. 85. NRS 298.250 is hereby amended to read as follows:

298.250 1. If a former resident of the State of Nevada otherwise qualified to vote in another state in any election for President and Vice President of the United States has commenced his or her residence in the other state after the 30th day next preceding that election and for this reason does not satisfy the requirements for registration in the other state, the former resident may vote for President and Vice President only in that election:

(a) In person in the county of the State of Nevada which was his or her former residence, if the former resident is otherwise qualified to vote there; or

(b) By ~~absent~~ mail ballot in the county of the State of Nevada which was his or her former residence, if the former resident is otherwise qualified to vote there and complies with the applicable requirements of ~~[NRS 293.3088 to 293.340, inclusive.]~~ sections 3 to 15, inclusive, of this act.

2. The Secretary of State may, in a manner consistent with the election laws of this State, adopt regulations to effectuate the purposes of this section.

Sec. 86. NRS 306.040 is hereby amended to read as follows:

306.040 1. Upon determining that the number of signatures on a petition to recall is sufficient pursuant to NRS 293.1276 to 293.1279, inclusive, the Secretary of State shall notify the county clerk, the filing officer and the public officer who is the subject of the petition.

2. A person who signs a petition to recall may request the filing officer to strike the person's name from the petition on or before the date that is the later of:

(a) Ten days, Saturdays, Sundays and holidays excluded, after the verification of signatures is complete; or

(b) The date a complaint is filed pursuant to subsection 6.

3. If the filing officer receives a request pursuant to subsection 2, the filing officer must strike the name of the person from the petition. If the filing officer receives a sufficient number of requests to strike names from the petition such that the petition no longer contains enough valid signatures, the filing officer

shall not issue a call for a special election, and a special election must not be held to recall the public officer who is the subject of the petition.

4. Except as otherwise provided in subsection 3, not sooner than 20 days and not later than 30 days, Saturdays, Sundays and holidays excluded, after the Secretary of State completes the notification required by subsection 1, if a complaint is not filed pursuant to subsection 6, the filing officer shall issue a call for a special election in the jurisdiction in which the public officer who is the subject of the petition was elected to determine whether the people will recall the public officer.

5. The call for a special election pursuant to subsection 4 or 7 must include, without limitation:

(a) The last day on which a person may register to vote in order to qualify to vote in the special election pursuant to NRS 293.560 or 293C.527; *and*

(b) The last day on which a petition to nominate other candidates for the office may be filed . ~~}; and~~

~~—(c) Whether any person is entitled to vote in the special election in a mailing precinct or an absent ballot mailing precinct pursuant to NRS 293.343 to 293.355, inclusive, or 293C.342 to 293C.352, inclusive.}~~

6. The legal sufficiency of the petition, including without limitation, the validity of signatures on the petition, may be challenged by filing a complaint in district court not later than 15 days, Saturdays, Sundays and holidays excluded, after the Secretary of State completes the notification required by subsection 1. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than 30 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.

7. Upon the conclusion of the hearing, if the court determines that the petition is legally sufficient, it shall order the filing officer to issue a call for a special election in the jurisdiction in which the public officer who is the subject of the petition was elected to determine whether the people will recall the public officer. If the court determines that the petition is not legally sufficient, it shall order the filing officer to cease any further proceedings regarding the petition.

Sec. 87. NRS 247.540 is hereby amended to read as follows:

247.540 1. The following persons may request that the personal information described in subsection 1, 2 or 3 of NRS 247.520 that is contained in the records of a county recorder be kept confidential:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master in this State.

(d) Any clerk of a court, court administrator or court executive officer in this State.

(e) *Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed such county or city clerk or registrar of voters in the elections division of the county or city.*

(f) Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:

- (1) Crimes that are punishable as category A felonies; or
- (2) Domestic violence.

~~[(f)]~~ (g) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:

- (1) Crimes that are punishable as category A felonies; or
- (2) Domestic violence.

~~[(g)]~~ (h) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

- (1) Interacts with the public; and
- (2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

~~[(h)]~~ (i) Any county manager in this State.

~~[(i)]~~ (j) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

- (1) Who possesses specialized training in code enforcement;
- (2) Who, as part of his or her normal job responsibilities, interacts with the public; and
- (3) Whose primary duties are the performance of tasks related to code enforcement.

~~[(j)]~~ (k) The spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~[(i)]~~ (j), inclusive.

~~[(k)]~~ (l) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~[(i)]~~ (j), inclusive, who was killed in the performance of his or her duties.

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 247.520 that is contained in the records of a county recorder be kept confidential.

3. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) "Social worker" means any person licensed under chapter 641B of NRS.

Sec. 88. NRS 250.140 is hereby amended to read as follows:

250.140 1. The following persons may request that personal information described in subsection 1, 2 or 3 of NRS 250.120 that is contained in the records of a county assessor be kept confidential:

- (a) Any justice or judge in this State.
- (b) Any senior justice or senior judge in this State.
- (c) Any court-appointed master in this State.
- (d) Any clerk of a court, court administrator or court executive officer in this State.
- (e) *Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by such county or city clerk or registrar of voters in the elections division of the county or city.*

(f) Any peace officer or retired peace officer.

~~[(f)]~~ (g) Any prosecutor.

~~[(g)]~~ (h) Any state or county public defender.

~~[(h)]~~ (i) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities interacts with the public and performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

~~[(i)]~~ (j) Any county manager in this State.

~~[(j)]~~ (k) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer who possesses specialized training in code enforcement, interacts with the public and whose primary duties are the performance of tasks related to code enforcement.

~~[(k)]~~ (l) The spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~[(j)]~~ (k), inclusive.

~~[(l)]~~ (m) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~[(j)]~~ (k), inclusive, who was killed in the performance of his or her duties.

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 250.120 that is contained in the records of a county assessor be kept confidential.

3. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) "Peace officer" means:

(1) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and

(2) Any person:

(I) Who resides in this State;

(II) Whose primary duties are to enforce the law; and

(III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.

(e) "Prosecutor" has the meaning ascribed to it in NRS 241A.030.

(f) "Social worker" means any person licensed under chapter 641B of NRS. Sec. 89. NRS 481.091 is hereby amended to read as follows:

481.091 1. The following persons may request that the Department display an alternate address on the person's driver's license, commercial driver's license or identification card:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master in this State.

(d) Any clerk of the court, court administrator or court executive officer in this State.

(e) Any prosecutor who as part of his or her normal job responsibilities prosecutes persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(g) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

(1) Interacts with the public; and

(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

(h) Any county manager in this State.

(i) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

(1) Who possesses specialized training in code enforcement;

(2) Who, as part of his or her normal job responsibilities, interacts with the public; and

(3) Whose primary duties are the performance of tasks related to code enforcement.

(j) *Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by the county or city clerk or registrar of voters in the elections division of the county or city.*

(k) The spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~{{(i)}} (j)~~, inclusive.

~~{{(k)}} (l)~~ The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~{{(i)}} (j)~~, inclusive, who was killed in the performance of his or her duties.

2. A person who wishes to have an alternate address displayed on his or her driver's license, commercial driver's license or identification card pursuant to this section must submit to the Department satisfactory proof:

(a) That he or she is a person described in subsection 1; and

(b) Of the person's address of principal residence and mailing address, if different from the address of principal residence.

3. A person who obtains a driver's license, commercial driver's license or identification card that displays an alternate address pursuant to this section may subsequently submit a request to the Department to have his or her address of principal residence displayed on his or her driver's license, commercial driver's license or identification card instead of the alternate address.

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

5. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) "Social worker" means any person licensed under chapter 641B of NRS.

Sec. 89.5. 1. There is hereby appropriated from the State General Fund to the Office of the Secretary of State for the costs of ballot stock, postage and postcard notifications to carry out the provisions of this act the following sums:

For the Fiscal Year 2021-2022.....\$6,286,844

For the Fiscal Year 2022-2023.....\$5,998,138

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2022, and September 15, 2023, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2022, and September 15, 2023, respectively.

Sec. 90. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 91. NRS 293.013, 293.015, 293.213, 293.230, 293.235, 293.243, 293.262, 293.3088, 293.309, 293.3095, 293.310, 293.313, 293.315, 293.316, 293.3165, 293.317, 293.320, 293.323, 293.325, 293.329, 293.330, 293.333, 293.335, 293.340, 293.343, 293.345, 293.350, 293.352, 293.353, 293.355, 293.3673, 293.384, 293.385, 293.8801, 293.8804, 293.8807, 293.8811, 293.8814, 293.8817, 293.8821, 293.8824, 293.8827, 293.8831, 293.8834, 293.8837, 293.8841, 293.8844, 293.8847, 293.8851, 293.8854, 293.8857, 293.8861, 293.8864, 293.8871, 293.8874, 293.8877, 293.8881, 293.8884, 293.8887, 293B.370, 293C.230, 293C.240, 293C.245, 293C.256, 293C.304, 293C.305, 293C.306, 293C.307, 293C.310, 293C.312, 293C.317, 293C.318, 293C.319, 293C.320, 293C.322, 293C.325, 293C.327, 293C.328, 293C.329, 293C.330, 293C.332, 293C.335, 293C.340, 293C.342, 293C.345, 293C.347, 293C.349, 293C.350, 293C.352, 293C.368, 293C.382, 293C.385 and 293C.650 are hereby repealed.

Sec. 92. 1. This section ~~becomes~~ and section 84.5 of this act become effective upon passage and approval.

2. Section 89.5 of this act becomes effective on July 1, 2021.

3. Sections 1 to ~~89~~, 84, inclusive, ~~85 to 89, inclusive~~, and 90 and 91 of this act become effective:

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

(b) On January 1, 2022, for all other purposes.

LEADLINES OF REPEALED SECTIONS

293.013 "Absent ballot" defined.

293.015 "Absent voter" defined.

293.213 Mailing precincts; absent ballot mailing precincts.

293.230 Appointment of single central election board for mailing precincts.

293.235 Appointment and duties of absent ballot central counting board; no central election board if absent ballot central counting board appointed.

293.243 Number of officers on absent ballot central counting board; appointment of deputy sheriff; absent ballot central counting board under direction of county clerk.

293.262 Absent ballot or ballot voted in mailing precinct: Methods in which ballot is to be voted.

293.3088 "Sufficient written notice" defined.

293.309 Absent ballots: Preparation; reasonable accommodations for use by persons who are elderly or disabled; time for distribution; mootness of untimely legal actions which would prevent distribution.

293.3095 Distribution of forms to request absent ballots.

293.310 Request and receipt of absent ballot allows voting only by absent ballot; exception; county clerk to notify election board if absent ballot issued.

293.313 General procedure to request absent ballot; elections to which request applies; fraud or coercion in obtaining absent ballot prohibited; penalty.

293.315 Request for absent ballot available for public inspection; immunity of county clerk for allowing such inspection.

293.316 Specialized procedure to request absent ballot because of illness, disability or absence under certain circumstances; requirements for issuing, voting and returning such absent ballot.

293.3165 Specialized procedure to request absent ballot for all elections at which registered voter is eligible to vote; requirements for issuing, voting and returning such absent ballot.

293.317 Procedure for timely returning absent ballot; treatment of absent ballot when postmark cannot be determined.

293.320 County clerk to determine if person requesting absent ballot is registered voter.

293.323 Delivery of absent ballot and voting supplies; return of absent ballot; recordation of certain information by county clerk; regulations.

293.325 Duties of county clerk upon return of absent ballots: Procedure for checking signature; safeguarding and delivery of absent ballots for counting; procedure for contacting voter to remedy certain defects in returned absent ballot.

293.329 Unlawful to mark and sign absent ballot on behalf of voter or assist voter to mark and sign absent ballot; exceptions.

293.330 Procedure for voting by absent ballot; procedure for voting in person after absent ballot requested; persons authorized to return absent ballot; unlawful acts relating to return of absent ballot; penalty.

293.333 Procedure for depositing absent ballots in ballot box; period for counting of absent ballots.

293.335 Empty envelopes and rejected absent ballots to be returned to county clerk.

293.340 Duty of county clerk to provide ballot box for each ballot listing if absent ballot central counting board appointed; deposit of voted ballots.

293.343 Eligibility of certain voters to vote in mailing precincts; effect of county clerk designating precinct as mailing precinct; designation of polling places where voters in mailing precincts may vote in person.

293.345 Distribution of mailing ballots; notice of designated polling places where voters in mailing precincts may vote in person; mootness of untimely legal actions which would prevent distribution.

293.350 Enrollment of eligible voter's name; procedure for mailing of ballot and voting supplies by county clerk.

293.352 Unlawful to mark and sign mailing ballot on behalf of voter or assist voter to mark and sign mailing ballot; exceptions.

293.353 Procedure for voting by mailing ballot; procedure for voting in person after receipt of mailing ballot; persons authorized to return mailing ballot; unlawful acts relating to return of mailing ballot; penalty.

293.355 Duties of county clerk upon return or voting in person of mailing ballots; applicability of procedures governing absent ballots.

293.3673 Errors in information on certain form not grounds for rejection of absent ballot.

293.384 Initial withdrawal of absent ballots from ballot boxes; verification of proper number of absent ballots; procedure for counting.

293.385 Withdrawal of absent ballots from ballot boxes after initial withdrawal; verification of proper number and counting of absent ballots; reporting results of count; disseminating information about count before polls close prohibited; penalty.

293.8801 Legislative findings and declaration.

293.8804 Definitions.

293.8807 "Active registered voter" or "voter" defined.

293.8811 "Affected election" or "election" defined.

293.8814 "Mail ballot" defined.

293.8817 "Vote center" defined.

293.8821 Certain elections deemed affected elections; authority of Governor to order that certain elections deemed affected elections.

293.8824 Provisions governing affected elections supersede and preempt conflicting elections provisions; applicability of nonconflicting elections provisions and military-overseas absentee voting acts.

293.8827 Rules of interpretation; intended public purposes of provisions governing affected elections.

293.8831 Early voting by personal appearance; establishment of polling places for early voting within Indian reservations or colonies.

293.8834 Establishment of polling places as vote centers.

293.8837 Voter registration during certain periods preceding and on election day; establishment of polling places for election precincts.

293.8841 Establishment of polling places within Indian reservations or colonies and within residential developments exclusively for elderly persons.

293.8844 Preparation and distribution of mail ballots and supporting materials; ballot contents; time for distribution; mootness of untimely legal actions which would prevent distribution.

293.8847 Methods of distribution and other requirements for mail ballots and supporting materials; recordation of certain information by clerk.

293.8851 Requirements for mail ballots distributed to certain voters who have not previously voted in election for federal office in Nevada; exceptions; treatment as provisional ballot under certain circumstances.

293.8854 Procedure for voting by mail ballot; procedure for voting in person after mail ballot sent to voter.

293.8857 Unlawful to mark and sign mail ballot on behalf of voter or assist voter to mark and sign mail ballot; exceptions.

293.8861 Procedure for timely returning mail ballot; treatment of mail ballot when postmark cannot be determined; requirements for ballot drop boxes.

293.8864 Persons authorized to return mail ballot; unlawful acts relating to return of mail ballot; penalty.

293.8871 Establishment of procedures for processing and counting mail ballots.

293.8874 Duties of clerk upon return of mail ballots: Procedure for checking signature; safeguarding and delivery of mail ballots for counting; procedure for contacting voter to remedy certain defects in returned mail ballot.

293.8877 Appointment and membership of mail ballot central counting board; board under direction of clerk.

293.8881 Period for counting mail ballots; counting must be public; rejection of certain mail ballots.

293.8884 Process for counting mail ballots; requirements relating to empty envelopes and rejected mail ballots.

293.8887 Certification and reporting of mail ballot results; secrecy of mail ballots; unlawful to disseminate information about mail ballot results before polls close and all votes cast on election day; penalty.

293B.370 Duties of absent ballot mailing precinct inspection board.

293C.230 Appointment of single central election board for mailing precincts.

293C.240 Appointment and duties of absent ballot central counting board; no central election board if absent ballot central counting board appointed.

293C.245 Appointment and number of officers on absent ballot central counting board; appointment of law enforcement officers; absent ballot central counting board under direction of city clerk.

293C.256 Absent ballot or ballot voted in mailing precinct to be voted on paper ballot.

293C.304 "Sufficient written notice" defined.

293C.305 Absent ballots: Preparation; reasonable accommodations for use by persons who are elderly or disabled; time for distribution; mootness of untimely legal actions which would prevent distribution.

293C.306 Distribution of forms to request absent ballot.

293C.307 Request and receipt of absent ballot allows voting only by absent ballot; exception; city clerk to notify election board if absent ballot issued.

293C.310 General procedure to request absent ballot; elections to which request applies; fraud or coercion in obtaining absent ballot prohibited; penalty.

293C.312 Request for absent ballot available for public inspection; immunity of city clerk for allowing such inspection.

293C.317 Specialized procedure to request absent ballot because of illness, disability or absence under certain circumstances; requirements for issuing, voting and returning such absent ballot.

293C.318 Specialized procedure to request absent ballot for all elections at which registered voter is eligible to vote; requirements for issuing, voting and returning such absent ballot.

293C.319 Procedure for timely returning absent ballot; treatment of absent ballot when postmark cannot be determined.

293C.320 City clerk to determine if person requesting absent ballot is registered voter.

293C.322 Delivery of absent ballot and voting supplies; return of absent ballot; recordation of certain information by city clerk; regulations.

293C.325 Duties of city clerk upon return of absent ballots: Procedure for checking signature; safeguarding and delivery of absent ballots for counting; procedure for contacting voter to remedy certain defects in returned absent ballot.

293C.327 Voting absent ballot in person in city clerk's office.

293C.328 Electioneering prohibited near city clerk's office during period office maintained for voting absent ballot in person; penalty.

293C.329 Unlawful to mark and sign absent ballot on behalf of voter or assist voter to mark and sign absent ballot; exceptions.

293C.330 Procedure for voting by absent ballot; procedure for voting in person after absent ballot requested; persons authorized to return absent ballot; unlawful acts relating to return of absent ballot; penalty.

293C.332 Procedure for depositing absent ballots in ballot box; period for counting of absent ballots.

293C.335 Empty envelopes and rejected absent ballots to be returned to city clerk.

293C.340 Duty of city clerk to provide ballot box for each ballot listing if absent ballot central counting board appointed; deposit of voted ballots.

293C.342 Eligibility of certain voters to vote in mailing precincts; effect of city clerk designating precinct as mailing precinct.

293C.345 Distribution of mailing ballots; mootness of untimely legal actions which would prevent distribution.

293C.347 Enrollment of eligible voter's name; procedure for mailing of ballot and voting supplies by city clerk.

293C.349 Unlawful to mark and sign mailing ballot on behalf of voter or assist voter to mark and sign mailing ballot; exceptions.

293C.350 Procedure for voting by mailing ballot; persons authorized to return mailing ballot; unlawful acts relating to return of mailing ballot; penalty.

293C.352 Duties of city clerk upon return of mailing ballots; applicability of procedures governing absent ballots.

293C.368 Errors in information on certain form not grounds for rejection of absent ballot.

293C.382 Initial withdrawal of absent ballots from ballot boxes; verification of proper number of absent ballots; procedure for counting.

293C.650 Duties of absent ballot mailing precinct inspection board.

293C.385 Withdrawal of absent ballots from ballot boxes after initial withdrawal; verification of proper number and counting of absent ballots; reporting results of count; disseminating information about count before polls close prohibited; penalty.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 839 to Assembly Bill No. 321 provides that notice of the withdrawal of a petition for initiative that opposes a statute or amendment to a statute must be submitted to the Secretary of State not later than 90 days before an election at which the question of approval or disapproval of the initiative will appear on the ballot. A petition for an initiative that proposes an amendment to the *Nevada Constitution* must be submitted to the Secretary of State not later than 90 days before the first election at which the question of approval or disapproval of the initiative will appear on the ballot. A petition for referendum must be submitted to the Secretary of State not later than 90 days before the election at which the question of approval or disapproval of the referendum will appear on the ballot. This will provide for the withdrawal of those.

Amendment adopted.

Bill read third time.

Remarks by Senator Brooks.

Assembly Bill No. 321 makes various changes to Nevada's election statutes. The bill replaces existing law concerning ballots for absentee voters, mailing precincts and mail ballots with new provisions that require mail ballots for all elections. An opt-out provision is available for any active voter who prefers to not use the mail ballot. Existing processes and procedures are retained, with certain modifications, for voting as well as for the return, verification and counting of the mail ballots. The bill includes General Fund appropriations of \$6,286,844 in Fiscal Year 2022 and \$5,998,138 in Fiscal Year 2023 for the cost of ballot stock, postage and postcard notifications.

The bill requires a minimum number of polling locations based on the size of the county for early voting and for election-day voting, and ballot dropboxes must be provided at all early-voting and election-day polling sites. A category E felony is established if anyone other than a city or county clerk provides a ballot dropbox. Further, Indian reservations and colonies may request a polling place, a ballot dropbox or both.

The measure provides procedures for, and specifically authorizes the use of, manual- or electronic-signature verification. In addition, standards are established for periodic testing of the accuracy of signature-verification devices. Audit reports concerning these devices are required and must be collected and maintained by local election officials. Local election officials are required to complete an approved class on forensic-signature verification at least annually. Procedures are established for county or city clerks to verify the identity of a voter, if necessary. The deadline by which a voter can either provide or confirm a missing or questionable signature is reduced from nine days to the sixth day following the election. Automatic voter-registration statutes are clarified by specifying that a voter who has been registered to vote by DMV and who has produced the required documents at that time is not required to show proof of identity or residency when voting for the first time in a federal election.

The bill also requires the appointment of a bipartisan counting board and specifies that the board must complete the count of all mail ballots on or before the seventh day following the election. The deadline for a city or county clerk to receive a ballot is shortened from seven days to four days following the election. The Secretary of State and the State Registrar of vital statistics are required to make comparisons at least monthly of the Statewide voter-registration list with records concerning the death of residents. Finally, confidentiality protections concerning personal information are extended to certain election officials, upon their request. In addition, these individuals are authorized to ask that their driver's license or State identification card contain a substitute address to use in place of their physical address.

Roll call on Assembly Bill No. 321.

YEAS—12.

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

Assembly Bill No. 321 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 495.

Bill read third time.

Remarks by Senators Brooks, Kieckhefer, Seevers Gansert, Pickard, Cannizzaro, Goicoechea, Hammond, Denis, Hansen, Dondero Loop, Spearman and Hardy.

SENATOR BROOKS:

Assembly Bill No. 495 provides for the imposition, administration and payment of an excise tax on the gross proceeds of profitable gold or silver mining companies that report Nevada gross revenue greater than \$20 million annually. The revenue from this new, mining excise tax will be deposited temporarily in the State General Fund for the 2021-2023 Biennium, and then, it will be deposited in the State Education Fund beginning on July 1, 2023. The measure also provides that beginning on July 1, 2023, the portion of the tax on net proceeds of minerals currently deposited in the State General Fund, instead, will be deposited in the State Education Fund.

Assembly Bill No. 495 also provides \$200 million from the State's allocation of federal Coronavirus State and Local Fiscal Recovery Funds to the Nevada Department of Education for grants to school districts be used to augment certain programs implemented to address the impacts of learning loss experienced as a result of the COVID-19 pandemic. Additionally, \$15 million from the State's allocation of federal Coronavirus State and Local Fiscal Recovery Funds to the State Public Charter School Authority for grants to charter schools will be used to augment certain programs implemented to address the impacts of learning loss experienced because of the COVID-19 pandemic.

It provides for an addition of \$4.745 million in tax credits for the Educational Choice Scholarship Tax Credits program, also known as the Opportunity Scholarship program, and General Fund appropriations of \$50,895 in Fiscal Year 2022 and \$104,354 in Fiscal Year 2023 for the Division of Health Care Financing and Policy for personal-care services.

Assembly Bill No. 495 also appropriates \$600,000 in each fiscal year of the 2021-2023 Biennium for the Silver State Opportunity Grant Program. It directs the Commission on School Funding to investigate sources of revenue to fund public education and requires the Commission to submit a report to the Governor and the Director of LCB for transmission to the 2023 Legislature. Finally, it directs the Legislative Committee on Education to conduct a study during the 2021-2022 Interim concerning the composition of school boards of trustees in this State.

SENATOR KIECKHEFER:

The bill before us tonight is a compromise. It is the art of legislating in a single bill. This has items in it I really like and items I really do not like. In the end, however, this bill will support the children of our State and their education. For that reason, I am proud to support it. The additional funding that will be coming into Nevada through this new tax on mining will be directed in the subsequent biennium directly to the State Education Fund to support the new Pupil-Centered Funding Plan. That is a significant step forward in fulfilling the promise we made when we originally passed that bill last Session. It will support traditional public schools as well as charter schools, allowing school choice for families in this State. It will support college scholarships for low-income Nevadans who want to go to community college, sometimes for the first time in their family's history. While there are plenty of reasons I could give to vote against this bill, the benefits far outweigh the drawbacks. When you get to this place, it is important to try to find a way to say "yes" in order to help people, and that is what this bill does. I am happy to vote "yes" today.

SENATOR SEEVERS GANSERT:

I appreciate the comments made by my colleague from District 16. We had good news earlier in this Session with the Economic Forum identifying more money, much of which we put into education. This bill will help boost education even more, and I appreciate that mining came forward with this solution. When you look at education, you have to look across the spectrum of our public and private schools. This bill will allow public schools to get a significant boost whether they are traditional schools or charter schools. Many times, we hear that charter schools do not take care of students in low-income areas. This bill will significantly help that and will help Title I schools. It will help children who need choice, whether it is due to a disability, being in a certain zip code or not fitting in with their current school. Being able to boost opportunity scholarships and allow more students is important. I appreciate and support this measure.

SENATOR PICKARD:

What I do not like about this bill is that special interests used the process to put pressure on us. They made promises to voters to give them input, and this bill was brought in order to try to take that away. That concerns me. It also concerns me that special interests tend to drive this Body more than we do. I agree with my colleague from District 16 that there is enough good in this bill to make it something worth supporting. The industry that has stepped up did so under duress, but they did it. Now, they will be paying to support education. As I said ten months ago, I support additional money for education so I will be supporting this bill.

SENATOR CANNIZZARO:

I rise in support of Assembly Bill No. 495. Almost a year ago, there were conversations about not only how do we begin to invest in education in the State but also about how we bring people together in order to do that. This bill is a culmination of those conversations. I am thankful for the advocacy and work that has been done on this by so many people who came together to put it in a place where we can say, yet again, we are moving the ball forward with respect to educational funding in this State. The Speaker of the Assembly, the Governor and his Office, my colleague from Senate District 3, partners in the community, the mining industry, our teachers and education advocates and our business community have come together with something that says we believe in funding education.

I was born and raised in Nevada and have said many times that my parents did not have an education. For a child like me to have received an education because people cared about children like me makes the difference in the opportunities one has in life and what one is able to achieve. We owe that to every child in this State. We owe it to them, and we should be able to come to the table, just like what happened with this piece of legislation, and find solutions. They might not be perfect, and they might not exactly be what we would have crafted as a solution. However, my colleague from Reno said it best: this is legislation, and this is the art of legislating. You find ways to come together for an agreement that benefits the greater good. In this instance, that is funding education.

I am passionate about this. It is something we have done in this Body a number of times. We have taken steps to invest in education, and I am proud we are talking about money going to the Pupil-Centered Funding Formula that some of my termed-out colleagues have worked hard to make a reality in this State. I urge my colleagues to support this measure. At the end of the day, this is about the students who will benefit and the successes we will get for them because of believing and investing in them. This public-school kid who believes education is the pathway to better opportunities is grateful and will support the measure.

SENATOR GOICOECHEA:

I oppose Assembly Bill No. 495. There are a couple of concerning things. The mining industry willingly came forward, and they support this measure. As we move down the road, they will be invited to the table again. I was pushing for language in the bill that said in the event there is an increase in the net proceeds, they would, at least, be able to recover some of the credit from this business excise tax against the net proceeds tax, which will continue to climb. It is unfair to ask any one industry to come to the plate, yet that is what this Body has done. Education needs to be borne by all of us, not one industry. They were forced to be here and support this bill. I am asking you to oppose it.

SENATOR HAMMOND:

The process to get to this vote was a rocky one. Had it been easy, we would not be discussing this on the final day of the 81st Legislative Session. Too often, we have concerned ourselves with what is right, or in some cases left what is right or wrong. I ran for office as a high school teacher with one message, and that was the betterment of education in Nevada. Making this world a better place for students is the most worthy of goals. It is the foundation of the sacred trust placed in us as elected representatives of the people. I have voted several times in this Chamber. Some have been extraordinarily difficult, some very easy. Some of them came in the face of unbelievable pressure from outside interest groups and disaffected third parties. Sometimes when they put that pressure on us, I do not care. I say this to any of my friends or colleagues in this Chamber who made education a part of their campaign and their message to the people they represent; it is about doing what is right.

Voting for this bill is important to me because even if it helps just one child read at the appropriate age or get a lunch or a parent or child to decide which school is best for them or provides funding for just one more teacher, it is, in the end, worth it. I am not here to campaign for another office. I am indebted to no man and only one woman. I cast this vote as a father of school-aged children, a former public school teacher and, most importantly, as a Nevadan who wants to grow old and see his children be successful here. We, as a Body, disagree a lot; that is democracy. It would not work if we agreed on each bill, and it certainly would not be as fun for our friends in the press gallery. While I do not expect the corps of naysayers who do not even bother to read the legislation to keep their opinions to themselves, I will be voting "yes" for all of the students in our State. I urge my colleagues to join me. Even if it is only one student, you will change their life without ever knowing it, and that is worth it.

SENATOR DENIS:

It is no secret that in the 17 years I have been in the Legislature, I came to make education better. Most of us probably campaigned on that issue. One of the things I realized early on was that we needed to fund education at a level that would help us be successful. We have taken a few steps in that direction. I am a product of Nevada's educational system, as are my children and my grandchildren. This bill is a step. We have more steps to take, but we are going in the right direction. We are showing that we are committed to our children. Two years ago, we passed the Pupil-Centered Funding Plan to show we care about our kids and what their individual needs are. The next step is to fund the appropriate levels. Assembly Bill No. 495 is one step in that direction. I appreciate those who have stepped up to show their commitment to education by offering to be part of this. I urge your support.

SENATOR HANSEN:

I oppose Assembly Bill No. 495. I resent the implication that anyone who does not support this is somehow against the children. Go back and look at the history of the tax increases in Nevada; Kenny Guinn, 2003, huge fight and a massive billion-dollar increase for education; Brian Sandoval, 2015, massive tax increase in Nevada for education. If we truly want to make education better, why have we gone all the way from 50th to 48th after these huge influxes of money. We had a bill earlier today about auditing NSHE. I support that. Kenny Guinn and Brian Sandoval both promised metrics, accountability and careful monitoring of programs to see if the money being invested was benefiting the children we are talking about. I have 20 grandchildren, and almost all of them are in Nevada. Most of them will attend public schools. All eight of my children attended public schools, at least for a significant window of time. The idea that if you do not support this tax increase, you do not support children is offensive. Many of us not only support children but also support taxes for the schools. We do not want to randomly throw money at it like we have been doing for at least two decades with limited, if any, accountability.

Another concern is that there have been negotiations behind the scenes. The teacher's union aggressively pushed to have at least two initiative petitions on the ballot. According to the *Nevada Constitution*, that should be on the next ballot.

The mining industry essentially was blackmailed and held with a gun to their head to agree to this arrangement. If we look at speeches by former Senator Joe Neal, he recognized the gaming industry had paid a minimal amount compared to the amount paid in other areas. That is where the real shortage in public education funding has been coming from. Russell Long made the

famous saying, "Don't tax you, don't tax me. Tax that fellow behind the tree." That is how mining is. The reality is that the people who are going to pay this tax are not the constituents of most of the people in this room. They are my constituents. It is easy to tax people who are not in your district. This type of taxation, as my colleague from Eureka just pointed out, is unfair based on singling out one industry. This deal, which was cut behind the scenes, where the right of the people to have the ability to vote in the next election cycle, which our Constitution clearly requires, is going to be undermined.

SENATOR DONDERO LOOP:

I have with me a framed article from a 1947 Reno Evening Gazette that I have had in my office for many years. It is something my father saved, and I found it several years ago in some papers. In this article, it said that the Nevada public schools had a need for this, and this was something the upcoming Legislature would be looking at and discussing. This was in 1947.

My history lesson will be a bit shorter than that of my colleague and will be succinct. We have waited 74 years, or 75 to round it up, to do what this article said all those years ago. I am asking you to support education and do what is right for kids. By doing that, we are supporting the future, and we are building this State. I am urging you to vote "yes" because we are doing what is right for the children.

SENATOR SPEARMAN:

I am voting in favor of this bill. One of the things that has spurred me on to do this is that we are coming out of a pandemic. Many of our schools that were not suffering before are suffering now. It is important for us to understand that with additional funding, we can prepare our students for the 21st century. That will mean money. I do not want perfect to be the enemy of good, so I am going to vote "yes." There is an urgency because in theory, we have already moved from the 20th to the 21st century. Now is time to move our students into the 21st century and give our teachers and administrators the tools they need to continue and complete the job.

SENATOR HARDY:

I am accused of having people wonder what I am really going to do. I am going to vote against this bill. We each represent different constituencies, and we represent ourselves, with our own personal opinions, yet we come together as a majority, according to our laws, even as we sometimes change those laws much to some people's consternation. Everyone in Nevada can feel as though they have a voice, are represented and that we will move forward together. We debate how much and how to meet our responsibilities to our children and families, yet this is the process, and I am grateful for the process we have. It allows us to meet and talk together with people and to represent people in coming to the accord that is majority rule. I appreciate all of what that means, and I appreciate the people who will vote either way on this bill because they have done what they would like to do or what their constituents have been able to influence them to do. I will be voting "no" on this bill and feel confident that we will still be able to move forward, get things done and to talk to each other.

Roll call on Assembly Bill No. 495:

YEAS—16.

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

Assembly Bill No. 495 having received a two-thirds majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 65.

Bill read third time.

Remarks by Senators Ohrenschall and Hardy.

SENATOR OHRENSCHALL:

Assembly Bill No. 65 amends the Nevada Ethics in Government Law by clarifying, revising and adding to existing provisions that govern the operation, powers, functions and duties of the Commission on Ethics, its members and staff, and any specialized or local ethics committees. The measure specifies the statutory ethical standards that apply to the conduct of current and former public officers and employees. The bill revises proceedings concerning requests for advisory opinions and ethics complaints, the issuance of opinions and the impositions of remedies and penalties by the Commission on Ethics.

In addition, Assembly Bill No. 65 establishes a new chapter of NRS to be cited as the Nevada Legislative Ethics Law that sets forth standards of ethical behavior and processes for the Legislative Branch. The measure creates a Senate Commission on Ethics and an Assembly Commission on Ethics to hear complaints for ethics violations filed against members or employees of those Houses. A Joint Legislative Commission on Ethics is established to hear complaints for ethics violations filed against officers and employees of LCB. Further, the bill provides authority for these commissions to impose the same penalties on Legislators and employees of the Legislative Branch as are currently provided for violations in the Ethics in Government chapter of NRS.

SENATOR HARDY:

I have struggled with the definitions of "ethics" and "willful" and those types of terms. Section 12.5, subsections 1 and 2, say, "Any State Legislator or other legislative officer as defined in section 73 of this act; or any legislative employee" It goes on to say, "... or employment that is subject to the jurisdiction of the Commission pursuant to this chapter, the Commission may exercise jurisdiction or authority over that person but only for conduct arising out of the other position." This is worded in such a way that I do not know what the "other position" is. Is the Ethics Commission able to have jurisdiction over the whole life of a Legislator or only in regards to being in office as a Legislator?

SENATOR OHRENSCHALL:

Assembly Bill No. 65, if it passes into law, would propose to establish a new chapter of NRS under Title 17 to apply specifically to Legislators. It would have those commissions and the joint commission be the authorities responsible for alleged ethic violations against Legislators or employees of LCB. These ethical standards would apply to one's actions as either a Legislator, legislative officer or employee of the Legislature. There is a provision in the latter part of the bill to allow someone to counsel a client before a State agency. This could be applicable to accountants, attorneys and other Legislators in their private capacity. This is permitted and would not cause a violation of their legislative duties.

SENATOR HARDY:

I read that part of the bill, but as a nonlawyer, I have a question. Does the Ethics Commission have jurisdiction over a private person who happens to be a Legislator and who is or is not doing something they should or should not be doing?

SENATOR OHRENSCHALL:

Assembly Bill No. 65 would create the Assembly Commission on Ethics, the Senate Commission on Ethics and the Joint Commission on Ethics. If passed into law, the Assembly Commission on Ethics would have jurisdiction over an Assemblyperson, the Senate Commission on Ethics over a Senator. Even if it does not pass, Article 6, Section 6, of the *Nevada Constitution* gives Houses the power to judge qualifications, election returns and members and punishment of members. There is an inherent authority in each Chamber to punish a member if they believe there has been a violation. That authority remains even without the passage of Assembly Bill No. 65. This bill would spell things out and put the procedures and rules in statute. Much of what is in the latter half of Assembly Bill No. 65 is parallel to existing law as it affects State employees and public officers.

Roll call on Assembly Bill No. 65:

YEAS—17.

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

Assembly Bill No. 65 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 156.

Bill read third time.

Remarks by Senators Lange and Hammond.

SENATOR LANGE:

Assembly Bill No. 156 authorizes active members of the Nevada National Guard who attend a school within NSHE and who reenlist to assign their registration and lab-fee waiver to either a spouse or a child in lieu of using the waiver themselves during the reenlistment period. This assignment is allowed regardless of whether the members used a waiver to attend school prior to reenlistment. One eligible person may only use the waiver during the reenlistment period for credits towards coursework for an associate degree, baccalaureate degree or certificate, but the waiver can be reassigned if the spouse or child to whom the waiver was assigned does not use the waiver to attend a school within NSHE. Assembly Bill No. 156 requires the Adjutant General to maintain records of waivers granted, assigned and reassigned and certify for the Board of Regents that the wavier has been properly assigned or reassigned.

SENATOR HAMMOND:

I support Assembly Bill No. 156. It is appropriate this bill is read today, Memorial Day, as it honors those who serve our Country. This bill allows not only the person serving but also those members of their family as well who might want to attend. After a thorough reading of this bill, it does many great things as the serviceperson reenlists each time. It is a great thing we are doing it today, and I hope we all support it.

Roll call on Assembly Bill No. 156:

YEAS—21.

NAYS—None.

Assembly Bill No. 156 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 165.

Bill read third time.

Remarks by Senator Hardy.

Assembly Bill No. 165 removes the five-year limitation on assessing tuition charges against honorably discharged veterans. It prohibits the Board of Regents of the University of Nevada from assessing a tuition charge against any veteran who was honorably discharged, including any veterans who were honorably discharged more than five years before matriculation at a university, State or community college within NSHE.

Roll call on Assembly Bill No. 165:

YEAS—21.

NAYS—None.

Assembly Bill No. 165 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 225.

Bill read third time.

Remarks by Senator Dondero Loop.

Assembly Bill No. 225 requires the Commission on Professional Standards in Education to consider alternative means of demonstrating competency for persons with a disability or health-related need when adopting regulations governing licensure examinations for teachers and other educational personnel.

Roll call on Assembly Bill No. 225:

YEAS—21.

NAYS—None.

Assembly Bill No. 225 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 230.

Bill read third time.

Remarks by Senator Brooks.

Assembly Bill No. 230 revises the jurisdiction of the Juvenile Court. This bill provides that sexual assault and attempted sexual assault involving the use or threatened use of force or violence and an offense or attempted offense involving the use or threatened use of a firearm be under the jurisdiction of the juvenile court rather than the criminal-justice system. In addition, the mandatory certification of a child as an adult for these offenses is eliminated, and instead, the measure provides for the discretionary certification of a child for criminal proceedings as an adult for all offenses over which the juvenile court has exclusive jurisdiction. Lastly, the Legislative Committee on Child Welfare and Juvenile Justice is required to conduct a study during the 2021-2022 Interim concerning the need for and cost of infrastructure for housing certain youthful offenders.

Roll call on Assembly Bill No. 230:

YEAS—21.

NAYS—None.

Assembly Bill No. 230 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 266.

Bill read third time.

Remarks by Senators Denis, Buck, Pickard and Seevers Gansert.

SENATOR DENIS:

Assembly Bill No. 266 prohibits administrators, other licensed educational personnel who may be present in a classroom but do not teach every pupil in the classroom and teachers not actively teaching during a class period from being counted in determining the pupil-to-teacher ratio.

The bill also requires the board of trustees of a school district, to the extent money is available, to determine the number of job vacancies in the school district based on the number of licensed teachers that would be required to achieve the recommended pupil-to-teacher ratio and requires that related information be posted on the board of trustees' website. The board of trustees must

also submit to the Legislative Committee on Education a report containing certain information about teachers participating in an alternative route to licensure.

This bill requires a person evaluating a teacher responsible for a class exceeding ratio recommendations to award the teacher additional weight on certain specified criteria. Any additional weight awarded to a teacher must not cause the score on a criterion to exceed the maximum score that would otherwise be possible on the criterion for a teacher rated as highly effective. The bill requires these provisions apply to any evaluation of the performance of an applicable teacher during the 2021-2022 school year and each subsequent school year.

SENATOR BUCK:

I oppose Assembly Bill No. 266. It incentivizes higher class sizes and makes that the metric for evaluations rather than raising student achievement.

SENATOR PICKARD:

I also rise in opposition. Assembly Bill No. 266 will not fix the class-size problem. Ultimately, it works to reduce accountability. We have much history with accountability in many different contexts. William Denning helped rebuild Japan after WWII. One of the principle things he put into place was accountability in the workplace. It was built into all of the metrics. We have used that foundation to build business ever since. Accountability is what drives innovation and success. The more we take accountability out of education, and by "accountability," I mean whether children are learning what they are supposed to be learning, the more we cement our position in last place in this Country. I oppose this bill and urge my colleagues to do the same.

SENATOR SEEVERS GANSERT:

I will not be supporting Assembly Bill No. 266. We had much discussion during the Committee hearing. Part of my opposition is because when we report numbers at a national level, there are standard definitions for the number of teachers in the classroom and how that is determined. This bill does not follow those types of calculations.

There is also an issue around the definition of who counts as being in the classroom. In this legislation, it only contemplates counting full-time employees. We have many teachers who share classrooms or work part-time. They will not be counted at all. There may be two half-time teachers who would equal one full-time teacher, but based on the way this bill is written, they would not count. My concern is the numbers will not clearly represent what we actually have as far as class-sizes and ratios in our schools.

Roll call on Assembly Bill No. 266:

YEAS—12.

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

Assembly Bill No. 266 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 270.

Bill read third time.

Remarks by Senator Dondero Loop.

Assembly Bill No. 270 requires the Museum Director of the Stewart Indian School Cultural Center and Museum to enter into an agreement with the State Land Registrar or any other State agency that receives an assignment of the buildings and grounds of the former Stewart Indian School to designate which buildings and grounds of the former Stewart Indian School under the management of the Museum Director are appropriate for special events. It authorizes the Museum Director to grant special-use permits to hold special events at or on the designated buildings and grounds.

The bill also revises the allocation of money in the Silver State Industries Endowment Fund for administrative costs and maintenance of the modern structures, buildings and other property of the

Nevada State Prison. It eliminates the prohibition on spending or transferring the reserved principal of the Fund. Additionally, the measure authorizes the sale or consumption of beer and wine at certain events held within the historic structures, buildings and other property of the Nevada State Prison. Finally, the bill eliminates the trust fund used for further study and development of the Nevada State Prison and requires that any money remaining in the fund on July 1, 2021, be deposited in the Endowment Fund for the Historic Preservation of the Nevada State Prison.

Roll call on Assembly Bill No. 270:

YEAS—21.

NAYS—None.

Assembly Bill No. 270 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 315.

Bill read third time.

Remarks by Senator Lange.

Assembly Bill No. 315 requires an employer of a police officer, firefighter or correctional officer to make certain information available to such employees regarding mental-health issues and treatment. While still employed, the employer must provide ongoing information relating to the awareness, prevention, mitigation and treatment of certain mental-health issues including post-traumatic stress disorder, depression, anxiety and acute stress. Within three months after the retirement of a police officer, firefighter or correctional officer, the employer must provide up to two hours of counseling with a mental-health professional to discuss the symptoms, prevention, mitigation and treatment of such mental-health issues.

Roll call on Assembly Bill No. 315:

YEAS—20.

NAYS—None.

ABSENT—Kieckhefer.

Assembly Bill No. 315 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 319.

Bill read third time.

Remarks by Senator Hammond.

Assembly Bill No. 319 requires the College of Southern Nevada (CSN) to establish a pilot program to offer enhanced opportunities for pupils who are part of underserved communities or are at risk to enroll in dual-credit courses where they may earn at least 15 college credits. The bill authorizes CSN to apply for and accept any gift, donation, bequest, grant or other source of funding to carry out the pilot program. Finally, CSN and the board of trustees of a school district and governing body of a charter school that participates in the pilot program must submit a report containing certain information about the pilot program to the Governor, the State Board of Education, the Board of Regents and the Legislative Committee on Education.

Roll call on Assembly Bill No. 319:

YEAS—21.

NAYS—None.

Assembly Bill No. 319 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 341.

Bill read third time.

The following amendment was proposed by Senator Brooks:

Amendment No. 863.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of persons and establishments in the cannabis industry in this State by the Cannabis Compliance Board. (Title 56 of NRS) Under existing law, a cannabis establishment is prohibited from allowing a person to consume cannabis on the property or premises of the establishment. (NRS 678B.510) Existing law also makes it a misdemeanor to consume cannabis or a cannabis product in a public place, in an adult-use cannabis retail store or in a vehicle. (NRS 678D.310) This bill provides for the licensure and regulation by the Board of certain businesses at which the consumption of certain cannabis and cannabis products is allowed. Section 2 of this bill designates such businesses generally as "cannabis consumption lounges."

Sections 3 and 5 of this bill designate two types of cannabis consumption lounges. Section 5 of this bill defines "retail cannabis consumption lounge" to mean a business at which the consumption of single-use or ready-to-consume cannabis products is allowed and which is attached or immediately adjacent to an adult-use cannabis retail store. Section 3 of this bill defines "independent cannabis consumption lounge" to mean a business at which the consumption of single-use or ready-to-consume cannabis products is allowed and which is not attached or immediately adjacent to an adult-use cannabis retail store.

Section 5.5 of this bill defines "single-use cannabis product" to generally mean a type of cannabis or adult-use cannabis product that the Board has determined to be appropriate for consumption in a cannabis consumption lounge. Section 4 of this bill defines "ready-to-consume cannabis product" to mean an adult-use edible cannabis product that is presented as a foodstuff or beverage and is intended for immediate consumption. Section 28 of this bill requires the Board to adopt regulations designating types of cannabis and cannabis products as single-use cannabis products and establishing requirements for the preparation and sale of ready-to-consume cannabis products. Sections 19 and 30 of this bill provide that certain requirements for cannabis products established under existing law do not apply to ready-to-consume cannabis products to the extent that such requirements are inconsistent with the regulations adopted by the Board.

Existing law prohibits a person from engaging in the business of an adult-use cannabis establishment unless the person has been issued an adult-use cannabis establishment license by the Board. Existing law sets forth certain requirements to obtain such a license. (NRS 678B.250) Section 7 of this bill

includes a retail cannabis consumption lounge and an independent cannabis consumption lounge within the definition of "adult-use cannabis establishment" provided under existing law, thereby requiring persons who wish to operate such establishments to obtain an adult-use cannabis establishment license in the manner provided in existing law. (NRS 678A.035)

Sections 13.5 and 14 of this bill prohibit a cannabis establishment, including a cannabis consumption lounge, from being located on the property of an airport.

Section 10 of this bill prohibits the Board from issuing an adult-use cannabis establishment license for a retail cannabis consumption lounge unless: (1) the applicant holds an adult-use cannabis establishment license for an adult-use cannabis retail store which is operational; and (2) the location of the proposed retail cannabis consumption lounge is attached or immediately adjacent to the adult-use cannabis retail store. Sections 10 and 14 of this bill exempt a proposed retail cannabis consumption lounge from certain restrictions relating to the location of an adult-use cannabis establishment.

Section 11 of this bill requires the Board to adopt regulations establishing criteria to determine whether an applicant for the issuance or renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge qualifies as a social equity applicant, which is defined by section 9 of this bill generally as an applicant that has been adversely affected by previous laws that criminalized activity relating to cannabis. Section 12 of this bill requires the Board to adopt regulations establishing criteria of merit and scoring guidelines to be used in evaluating applications for an adult-use cannabis establishment license for a retail cannabis consumption lounge or an independent cannabis consumption lounge. Section 17 of this bill establishes fees for the issuance and renewal of such licenses. Section 17 authorizes the Board to reduce certain fees associated with an adult-use cannabis establishment license for an independent cannabis consumption lounge for social equity applicants. Section 16 of this bill makes a conforming change to reflect the addition of the requirements of section 12.

Section 12.4 of this bill prohibits the Board, with certain exceptions, from issuing more than 20 adult-use cannabis establishment licenses for an independent cannabis consumption lounge. However, if on or before June 30, 2022, the Board issues 20 such licenses, section 12.4 authorizes the Board to issue additional licenses, so long as the total number of adult-use cannabis establishment licenses for an independent cannabis consumption lounge does not, at any time, exceed the number of adult-use cannabis establishment licenses for a retail cannabis consumption lounge issued by the Board. Section 12.4 also requires that at least 10 of the first 20 adult-use cannabis establishment licenses for an independent cannabis consumption lounge issued by the Board be issued to social equity applicants. Section 12.5 of this bill sets forth certain requirements for the issuance of adult-use cannabis establishment licenses for retail cannabis consumption lounges and independent cannabis consumption lounges in a local governmental jurisdiction that limits the

number of business licenses issued to cannabis consumption lounges, which include, among other requirements, that a certain number of adult-use cannabis establishment licenses for independent cannabis consumption lounges be issued to social equity applicants.

Existing law prohibits the Board from issuing more than a certain number of adult-use cannabis establishment licenses to any one person, group of persons or entity in certain counties. (NRS 678B.270) Section 15 of this bill provides that this prohibition does not apply to adult-use cannabis establishment licenses for retail cannabis consumption lounges or independent cannabis consumption lounges. Instead, section 12.7 of this bill generally prohibits the Board from issuing more than one such license to any one person. Section 12.7 provides an exception to this prohibition for certain transfers of such licenses. Section 12.3 of this bill prohibits the Board from issuing to any one person both an adult-use cannabis establishment license for an adult-use cannabis retail store and an adult-use cannabis establishment license for an independent cannabis consumption lounge. Section 20 of this bill requires the Board to adopt regulations prescribing the manner in which it will determine whether a person who holds an adult-use cannabis establishment license is ineligible to hold additional licenses pursuant to sections 12.3 and 12.7.

Existing law requires the Board to adopt regulations regarding the transfer of licenses issued by the Board. (NRS 678B.380) Section 16.5 of this bill requires those regulations to impose certain requirements and restrictions on the transfer an adult-use cannabis establishment license for an independent cannabis consumption lounge.

Sections 22 and 24 of this bill set forth certain requirements and restrictions relating to the operation of a cannabis consumption lounge. Section 24 prohibits, among other things, the consumption of any cannabis or cannabis product at a cannabis consumption lounge that is not a single-use cannabis product or ready-to-consume cannabis product. Section 23 of this bill authorizes a cannabis consumption lounge to engage in certain activities. Section 20 requires the Board to adopt certain regulations concerning the operation of cannabis consumption lounges.

Section 25 of this bill authorizes a retail cannabis consumption lounge to obtain single-use cannabis products from the adult-use cannabis retail store to which the lounge is attached or adjacent and sell such products to customers of the lounge. Section 25 also authorizes a retail cannabis consumption lounge to prepare and sell ready-to-consume cannabis products.

Section 27 of this bill requires an independent cannabis consumption lounge to enter into a contract with one or more adult-use cannabis retail stores to obtain single-use cannabis products for resale and cannabis or cannabis products for use in the preparation of ready-to-consume cannabis products. Section 27 authorizes an independent cannabis consumption lounge that has entered into such a contract to: (1) sell single-use cannabis products to customers of the lounge; and (2) prepare and sell ready-to-consume cannabis products to customers of the lounge.

Existing law prohibits a board of county commissioners, the governing body of an incorporated city or a town board from licensing or otherwise allowing a person to operate a business that allows cannabis or cannabis products to be consumed on the premises of the business. (NRS 244.335, 268.095, 269.170) Existing law eliminates this prohibition effective July 1, 2021. (Section 246 of chapter 595, Statutes of Nevada 2019, at page 3896) Sections 36.7 and 36.9 of this bill remove the prospective elimination of this prohibition. Instead, sections 30.6-30.9 of this bill prohibit, with certain exceptions, such a local government from licensing or otherwise allowing the operation of a business that allows cannabis or cannabis products to be consumed on the premises of the business, other than a cannabis consumption lounge, in accordance with the provisions of this bill.

Section 30.5 of this bill establishes provisions relating to the civil liability of a person who serves, sells or furnishes cannabis or a cannabis product to another person for damages caused as a result of the consumption of the cannabis or cannabis product, which are based on similar provisions of existing law concerning alcoholic beverages. (NRS 41.1305)

Existing law imposes an excise tax on each retail sale of cannabis or cannabis products by an adult-use cannabis retail store. (NRS 372A.290) Section 34 of this bill applies this excise tax to retail sales of cannabis and cannabis products by a cannabis consumption lounge. Sections 31 and 33 of this bill make conforming changes to reflect the imposition of the excise tax on such sales.

Section 18 of this bill revises provisions of existing law prohibiting the consumption of cannabis and cannabis products in a cannabis establishment for the purpose of authorizing a person to engage in such activities in a cannabis consumption lounge. (NRS 678B.510)

Existing law prohibits, in general, the consumption of cannabis or cannabis products in a public place. (NRS 678C.300, 678D.300, 678D.310) Section 12.9 of this bill authorizes the Board to adopt regulations setting forth circumstances under which a person is authorized to consume cannabis or cannabis products in a public place. Sections 20.5, 28.5 and 29 of this bill revise provisions of existing law prohibiting a person from consuming cannabis or cannabis products in a public place for the purpose of authorizing a person to engage in such activities in a public place in accordance with the regulations adopted by the Board pursuant to section 12.9. However, section 12.9 also provides that the provisions of section 12.9 do not prohibit a local government from adopting and enforcing an ordinance or rule governing the consumption of cannabis or cannabis products in a public place which is more restrictive than the regulations adopted by the Board.

Existing law prohibits a person from opening or maintaining a place for the purpose of unlawfully selling, giving away or using any controlled substance. (NRS 453.316) Section 36 of this bill exempts from the application of this provision: (1) a cannabis consumption lounge whose activities are confined to those authorized under the provisions of this bill; and (2) any person who opens

or maintains a public place at which a person is authorized to consume cannabis or cannabis products pursuant to regulations adopted by the Board pursuant to section 12.9 and whose activities are confined to those authorized by such regulations.

Section 36.3 of this bill requires the Board to provide each person who, on July 1, 2021, holds an adult-use cannabis establishment license for an adult-use cannabis retail store a written notification informing the person that the person may be eligible to hold an adult-use cannabis establishment license for a retail cannabis consumption lounge.

Section 36.5 of this bill requires the Board, on or before January 1, 2023, to submit to the Legislature a report containing certain information regarding the effect of certain violations of the Nevada Unfair Trade Practice Act on independent cannabis consumption lounges.

Sections 2-5.5 and 9 of this bill define words and terms applicable to the provisions of this bill. Sections 6 and 32 of this bill make conforming changes to properly place new language in the Nevada Revised Statutes. Section 35 of this bill makes a conforming change to reflect the addition of the provisions of section 17.

NEW section 12.9 of Assembly Bill No. 341 Third Reprint is hereby added as follows:

Sec. 12.9. 1. The Board may adopt regulations setting forth circumstances under which a person is authorized to consume cannabis or cannabis products in a public place.

2. Nothing in this section shall be construed as prohibiting a local government from adopting and enforcing an ordinance or rule governing the consumption of cannabis or cannabis products in a public place in the jurisdiction of the local government which is more restrictive than the regulations adopted by the Board pursuant to subsection 1.

Senator Brooks moved the adoption of the amendment.

Remarks by Senator Brooks.

Amendment No. 863 to Assembly Bill No. 341 adds a line to the end of section 12.9 that says, "However, section 12.9 also provides that the provisions of section 12.9 do not prohibit a local government from adopting and enforcing an ordinance or rule governing the consumption of cannabis or cannabis products in a public place which is more restrictive than the regulations adopted by the Board."

Conflict of interest declared by Senator Ohrenschall.

Amendment adopted.

Bill read third time.

Remarks by Senators Brooks and Goicoechea.

SENATOR BROOKS:

Assembly Bill No. 341 provides for the licensure and regulation by the Cannabis Compliance Board of cannabis-consumption lounges. The bill designates and defines the types of cannabis-consumption lounges. It sets forth certain requirements for the licensure and operation of cannabis-consumption lounges, including the establishment of license and renewal fees. It provides provisions governing the requirements, limitations and Board issuance of written

notification of eligibility for a retail cannabis-lounge license. It requires the Board to adopt certain regulations related to cannabis-consumption lounges and limits the number of licenses issued to operate a cannabis-consumption lounge. It revises provisions relating to the consumption of cannabis in a public place or in a cannabis establishment for authorizing a person to engage in such activities in a cannabis-consumption lounge.

The bill provides the restrictions and prohibitions related to operating a cannabis-consumption lounge. It establishes provisions relating to the civil liability for a person who serves, sells or furnishes cannabis or cannabis products to another person. It applies the existing excise tax on retail sale of cannabis or cannabis products to the retail sales of cannabis products by a cannabis-consumption lounge. It requires the Board to submit a report to the Legislature on or before January 1, 2023, containing certain information regarding the effect of certain violations of the Nevada Unfair Trade Practice Act on independent cannabis-consumption lounges.

Finally, Assembly Bill No. 341 makes conforming changes to reflect the addition of provisions of this act. The bill also clarifies that retail and independent consumption lounges are subject to all distance-separation requirements unless otherwise grandfathered as part of the adult-use cannabis retail store.

SENATOR GOICOECHEA:

I support Assembly Bill No. 341 with Amendment No. 863. I want to ensure that local governments have the authority, by ordinance, to say "yes" or "no" in public places.

Conflict of interest declared by Senator Ohrenschall.

Roll call on Assembly Bill No. 341:

YEAS—17.

NAYS—Donate, Hansen, Neal—3.

NOT VOTING—Ohrenschall.

Assembly Bill No. 341 having received a two-thirds majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 355.

Bill read third time.

Senator Cannizzaro moved that the bill be taken from its position on the General File and placed on the bottom of the General File.

Motion carried.

Assembly Bill No. 358.

Bill read third time.

Remarks by Senator Hardy.

Assembly Bill No. 358 requires the suspension, rather than termination, of Medicaid eligibility for people who are incarcerated. It requires those who are incarcerated and who were not eligible for Medicaid before being incarcerated, or whose Medicaid eligibility was terminated, to be allowed to apply for Medicaid up to six months before their scheduled release date. The Director of the Department of Corrections must complete a Medicaid application for such offenders as soon as practicable after they are authorized to enroll if they may be eligible for Medicaid upon release. In addition, the bill requires Medicaid eligibility and coverage for eligible offenders to be reinstated or instituted as soon as possible upon release.

Finally, the bill appropriates from the State General Fund to the Department of Corrections \$380,177 for Fiscal Year 2021-2022 and \$477,169 for Fiscal Year 2022-2023 for personnel and other costs related to assisting offenders with eligibility assessments and applications for Medicaid.

Roll call on Assembly Bill No. 358:

YEAS—21.

NAYS—None.

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

Bill ordered transmitted to the Assembly.

Assembly Bill No. 363.

Bill read third time.

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

Amendment No. 847.

SUMMARY—Revises provisions governing transient lodging. (BDR 20-636)

AN ACT relating to transient lodging; requiring the governing bodies of certain counties and cities to establish certain requirements relating to the rental of residential units as transient lodging; requiring certain persons to obtain an authorization for the rental of a residential unit as transient lodging; setting forth various requirements to obtain such an authorization; requiring certain accommodations facilitators to collect and remit taxes on the rental of residential units as transient lodging; revising provisions relating to the authority of a county or city to require a hosting platform to provide certain reports and information to the county or city; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the governing body of a county or city to adopt an ordinance defining the term "transient lodging" for the purposes of all taxes imposed by the governing body on the rental of transient lodging. (NRS 244.33565, 268.0195) This bill establishes various requirements that apply in a county whose population is 700,000 or more (currently Clark County) and in a city whose population is 25,000 or more in a county whose population is 700,000 or more (currently ~~Boulder City,~~ Henderson, Las Vegas ~~Las Mesquite~~) and North Las Vegas) for: (1) a person who seeks to provide for rent a residential unit or a room within a residential unit for the purposes of transient lodging independently or using an accommodations facilitator; and (2) an accommodations facilitator.

Sections 13 and 25 of this bill require the governing body of a county whose population is 700,000 or more and city whose population is 25,000 or more in a county whose population is 700,000 or more to include residential units and rooms in residential units in the definition of "transient lodging" for the purposes of all taxes imposed on the rental of transient lodging.

Sections 7 and 20 of this bill require the governing bodies of certain counties and cities to adopt an ordinance regulating: (1) the rental of a residential unit or a room within a residential unit for the purposes of transient lodging; and (2) accommodations facilitators.

Sections 8 and 21 of this bill require, with certain exceptions, that in certain counties and cities a person who makes available for rent a residential unit or a room within a residential unit for purposes of transient lodging to hold: (1) an authorization issued by the governing body of the county or city in which the residential unit is located; and (2) a state business license.

Sections 9 and 22 of this bill set forth the requirements to obtain an authorization from the governing body of certain counties and cities which require a person to submit an application to the governing body. The governing body may hold a public hearing on the application. Sections 9 and 22 also establish various requirements for the holder of an authorization, including requirements to pay an annual fee to the governing body for the authorization, designate a local representative for the rental and maintain liability coverage for the residential unit.

Sections 10 and 23 of this bill authorize the governing body of certain counties and cities to provide in the ordinance for: (1) the suspension or revocation of an authorization; (2) the imposition of civil penalties on a holder of an authorization or an accommodations facilitator for a violation of the ordinance; and (3) the imposition of civil penalties or fines on a person who makes available for rent a residential unit or room within a residential unit without obtaining an authorization.

Sections 10.5 and 23.5 of this bill provide that, with certain exceptions, the governing bodies of certain counties and cities may impose additional requirements on a person or accommodations facilitator related to the rental of a residential unit or a room within a residential unit for purposes of transient lodging.

Sections 11 and 24 of this bill provide that if an authorization is issued for the rental of a residential unit or a room within a residential unit for purposes of transient lodging, the governing bodies of certain counties or cities must require an accommodations facilitator who brokers, coordinates, makes available or otherwise arranges for the rental of the residential unit or a room or space within the residential unit for the purpose of transient lodging to collect and remit to the county or city, as applicable, the taxes on the rental of transient lodging imposed in the county or city, as applicable. Sections 11 and 24 further provide that: (1) such an accommodations facilitator is deemed to be providing transient lodging for the sole purpose of imposing, collecting and remitting the taxes on the rental of transient lodging; and (2) the provisions of these sections must not be interpreted to, and the governing body shall not, create, expand or alter the liabilities, duties, obligations or responsibilities of the accommodations facilitator with respect to the rental of the residential unit or a room within the residential unit.

Sections 1.5 and 14.5 of this bill provide that sections 1.5-11 and 14.5-24, respectively, apply to: (1) a county whose population is 700,000 or more; and (2) a city whose population is 25,000 or more in a county whose population is 700,000 or more. Sections 1.5 and 14.5 exempt from the requirements of sections 1.5-11 and 14.5-24, respectively, a residential unit located within a

building that is: (1) located on land that is not zoned exclusively for residential use; and (2) owned or operated by a person or an affiliate of a person holding a nonrestricted license for gaming. Sections 3-6 and 16-19 of this bill define various terms relating to rentals for the purposes of provisions governing transient lodging.

Existing law authorizes the governing body of a county or city to require the submission of quarterly reports by: (1) an online hosting platform that facilitates the rental of a residential unit or a room or space within a residential unit for the purposes of transient lodging; and (2) certain owners or lessees who use hosting platforms to facilitate such rentals. (NRS 244.1545, 268.0957) Sections 12 and 26 of this bill revise this requirement to require: (1) the governing body of a county whose population is 700,000 or more; or (2) the governing body of a city whose population is 25,000 or more in a county whose population is 700,000 or more to require the submission of such a quarterly report by an accommodations facilitator. Sections 12 and 26 also require the accommodations facilitator to provide a copy of the report to the Department of Taxation.

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 to 11, inclusive, of this act.

Sec. 1.5. 1. *The provisions of sections 1.5 to 11, inclusive, of this act apply to a county whose population is 700,000 or more.*

2. *The provisions of sections 1.5 to 11, inclusive, of this act do not apply to a residential unit located within a building that is:*

(a) *Located on land not zoned exclusively for residential use; and*

(b) *Owned or operated by a person who holds a nonrestricted license for gaming issued pursuant to NRS 463.170 or an affiliate of a person who holds a nonrestricted license for gaming.*

3. *As used in this section:*

(a) *"Affiliate" has the meaning ascribed to it in NRS 463.0133.*

(b) *"Nonrestricted license" has the meaning ascribed to it in NRS 463.0177.*

Sec. 2. *As used in sections 1.5 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Accommodations facilitator" means a person, other than the owner, lessee or other lawful occupant of a residential unit, or a manager of a residential unit, who, for a fee or other charge, brokers, coordinates, makes available or otherwise arranges for the rental of the residential unit or a room within a residential unit for the purpose of transient lodging. The term includes, without limitation, a hosting platform.*

Sec. 3.5. *"Authorization" means a permit, license, registration or any other type of approval or authorization issued by a board of county commissioners or its designee to a person who, independently or using an*

accommodations facilitator, makes available for rent a residential unit or a room within a residential unit for the purposes of transient lodging.

Sec. 4. *"Hosting platform" means a person who, for a fee or other charge, provides on an Internet website an online platform that facilitates the rental of a residential unit or a room within a residential unit by an owner or lessee of the residential unit for the purposes of transient lodging, including, without limitation, through advertising, matchmaking or other means.*

Sec. 5. *"Residential unit" means a single-family residence or an individual residential unit within a larger building, including, without limitation, a condominium, townhouse, duplex or other multifamily dwelling. The term does not include a timeshare or other property subject to the provisions of chapter 119A of NRS.*

Sec. 6. *"Transient lodging" has the meaning ascribed to it in the ordinance adopted pursuant to NRS 244.33565 by the board of county commissioners to define the term "transient lodging" for the purpose of all taxes imposed by the board on the rental of transient lodging in the county.*

Sec. 7. 1. *A board of county commissioners shall adopt and enforce an ordinance regulating:*

(a) The rental of a residential unit or a room within a residential unit for the purposes of transient lodging in the county; and

(b) Accommodations facilitators.

2. *The ordinance adopted pursuant to subsection 1 must, without limitation:*

(a) Require the rental to meet the definition of "transient lodging" set forth in the ordinance adopted pursuant to NRS 244.33565 by the board of county commissioners.

(b) Set forth the requirements for an application for an authorization issued pursuant to section 9 of this act, including, without limitation, designating an agency, officer or department of the county to administer applications for authorizations.

(c) Establish the amount of:

(1) The annual fee for an authorization issued pursuant to section 9 of this act; and

(2) The minimum liability coverage the holder of an authorization must maintain for the residential unit.

(d) Prohibit the rental of a residential unit or a room within a residential unit that is located in an apartment building.

(e) Prohibit the rental of a residential unit or a room within a residential unit for less than the minimum period for the residential unit. If the residential unit:

(1) Is owner-occupied, the minimum period for the rental is 1 night.

(2) Is not owner-occupied, the minimum period for the rental is 2 nights.

(f) Establish requirements to ensure a minimum distance:

(1) Of 660 feet between any residential units offered for rent for the purposes of transient lodging, except for residential units in a multifamily

dwelling, and any other minimum separation requirement the board determines is necessary; and

(2) Of 2,500 feet between any residential units offered for rent for the purposes of transient lodging and a resort hotel, as defined in NRS 463.01865.

(g) Establish the maximum occupancy requirements for a residential unit, which may not exceed 16 persons per residential unit.

(h) ~~Except as otherwise provided in subsection 5, prohibit~~ Prohibit the issuance of an authorization pursuant to section 9 of this act:

(1) If the issuance would result in more than 10 percent of the residential units or rooms within the residential units in a multifamily dwelling being rented for the purposes of transient lodging or if the issuance would violate a prohibition against such rentals or a stricter limitation established by the owner of the multifamily dwelling; or

(2) For a residential unit or a room within a residential unit that is located in a common-interest community, unless the governing documents of the community expressly authorize the rental of a residential unit or a room within a residential unit for the purposes of transient lodging.

(i) Establish a maximum number of authorizations a person may hold, which may not exceed five authorizations per state business license.

(j) Establish a maximum number of authorizations that may be issued for the rental of rooms within a single residential unit.

(k) Define "party" as a gathering of people that exceeds the maximum occupancy of the residential unit established by the board of county commissioners pursuant to paragraph (g) and prohibit the use of the residential unit for parties, weddings, events or other large gatherings.

(l) Establish specific requirements for noise, trash and security for the rental of the residential unit or a room within the residential unit for the purposes of transient lodging.

(m) Establish a process for a person to report violations of the requirements established in the ordinance adopted pursuant to subsection 1 or any other issues resulting from the rental of the residential unit or a room within the residential unit for the purposes of transient lodging.

(n) Establish a schedule of civil penalties for violations of the ordinance adopted pursuant to subsection 1 by a holder of an authorization or an accommodations facilitator. A civil penalty imposed pursuant to such an ordinance ~~may~~ may:

(1) May not exceed \$1,000 for a single violation or the nightly rental value of the residential unit or room within the residential unit, whichever is greater ~~is~~;

(2) Is in addition to any other penalty provided by law; and

(3) May only be imposed against the holder of the authorization or the accommodations facilitator, as applicable, who has committed the violation.

3. The ordinance adopted pursuant to subsection 1 may in addition to any other penalty provided by law, establish a schedule of civil penalties or fines to impose on a person who makes available a residential unit or room

within a residential unit without holding an authorization issued pursuant to section 9 of this act. Any such civil penalty or fine for a single violation must not be less than \$1,000 or more than \$10,000. If the ordinance includes a schedule of civil penalties of fines pursuant to this subsection, the board of county commissioners must establish standards for determining the amount of the civil penalty or fine which take into account, without limitation:

- (a) The severity of the violation;
- (b) Whether the person who committed the violation acted in good faith; and
- (c) Any history of previous violations of the provisions of the ordinance or any other ordinance related to transient lodging.

4. A board of county commissioners shall not enact or enforce a complete prohibition on the rental of a residential unit or a room within a residential unit for the purposes of transient lodging. Any ordinance or regulation which is inconsistent with this subsection is null and void and the board of county commissioners shall repeal any such ordinance or regulation.

Sec. 8. 1. ~~{Except as otherwise provided in subsection 5 of section 7 of this act, every}~~ Every person who makes available for rent a residential unit or a room within a residential unit for the purposes of transient lodging in a county must hold:

- (a) An authorization issued pursuant to section 9 of this act by the board of county commissioners of the county in which the transient lodging is located or its designee; and
- (b) A state business license.

2. The authorization and the state business license held by the person must be displayed in the residential unit and both the authorization number assigned by the county and the business identification number assigned by the Secretary of State pursuant to chapter 76 of NRS must be included in any listing or advertisement for the rental of the residential unit or a room within the residential unit, including any listing or advertisement created by an accommodations facilitator.

3. Upon the request of a board of county commissioners or its designee, an accommodations facilitator shall report all current listings of a residential unit or a room within a residential unit that the accommodations facilitator brokers, coordinates, makes available or otherwise arranges for the rental of for the purpose of transient lodging.

4. A board of county commissioners or its designee may require an accommodations facilitator to verify that a residential unit or room within a residential unit has been issued an authorization pursuant to section 9 of this act before the accommodations facilitator may broker, coordinate, make available or otherwise arrange for the rental of a residential unit or a room within a residential unit for a fee.

Sec. 9. 1. ~~{Except as otherwise provided in subsection 5 of section 7 of this act, a}~~ A person who wishes to offer for rent a residential unit or a room within a residential unit for the purposes of transient lodging independently or

using an accommodations facilitator must file a written application for an authorization with the agency, officer or department designated by the board of county commissioners in the ordinance and in the form set forth in the ordinance adopted pursuant to section 7 of this act.

2. Upon receipt of an application for an authorization, the board of county commissioners may hold a public hearing on the application.

3. Before granting, denying or renewing an authorization, the board of county commissioners or its designee may conduct any necessary health, safety or fire inspection of the residential unit. The costs of any inspection must be paid by the applicant.

4. The board of county commissioners or its designee may grant or deny the authorization. If the board of county commissioners or its designee grants an authorization, the board or its designee, as applicable, shall include such terms and conditions for the rental of the residential unit or a room within the residential unit for the purposes of transient lodging that the board or its designee deems necessary for the health and safety of the residents of the county. The conditions imposed by the board or designee must include, without limitation, provisions stipulating that the holder of the authorization is subject to the oversight and enforcement authority of the county and the local health authority, law enforcement agency and fire department having jurisdiction in the county.

5. A person who is granted an authorization pursuant to this section must, without limitation:

(a) Pay an annual fee for the authorization in an amount established in the ordinance adopted by the board of county commissioners pursuant to section 7 of this act. The board of county commissioners may increase the annual fee in an amendment to the ordinance.

(b) Maintain insurance which identifies that the property is used for transient lodging with a minimum liability coverage in an amount set forth in the ordinance adopted pursuant to section 7 of this act.

(c) Have a designated local representative who is responsible for the rental and available 24 hours a day, seven days a week to respond to any issues relating to the residential unit.

(d) Include educational information in the residential unit for any renters, which must include, without limitation, the occupancy limitations for the residential units, emergency telephone numbers, the telephone number of the designated local representative, safety information, trash requirements, parking rules and noise regulations.

(e) Ensure that the address of the residential unit is clearly visible from the roadway.

(f) Maintain the residential unit in a safe and hazard-free condition, including, without limitation, all mechanical, electrical and plumbing systems within the residential unit.

(g) Ensure that the residential unit is equipped with a fire extinguisher, a smoke alarm or detector and a carbon monoxide alarm or detector.

Sec. 10. ~~{1-}~~ 1. Except as otherwise provided in subsection 2, in accordance with the ordinance adopted pursuant to section 7 of this act, a board of county commissioners or its designee may:

~~{1-}~~ (a) Suspend or revoke any authorization issued pursuant to section 9 of this act for any violation of the ordinance;

~~{2-}~~ (b) Impose a civil penalty on the holder of an authorization or an accommodations facilitator for a violation of any provision of the ordinance in accordance with the schedule of civil penalties set forth in the ordinance; and

~~{3-}~~ (c) Impose a civil penalty or fine on a person who makes available a residential unit or a room within a residential unit without holding an authorization issued pursuant to section 9 of this act in accordance with the schedule of civil penalties or fines set forth in the ordinance, if any.

2. A board of county commissioners or its designee shall not impose a civil penalty on:

(a) A holder of an authorization for a violation of the ordinance committed by an accommodations facilitator; or

(b) An accommodations facilitator for a violation of the ordinance committed by a holder of an authorization.

Sec. 10.5. 1. Except as otherwise provided in subsection ~~{2-}~~ 4 of section 7 of this act, a board of county commissioners may impose additional requirements on a person or accommodations facilitator related to the rental of a residential unit or a room within a residential unit for purposes of transient lodging that are more restrictive than the provisions of sections 1.5 to 11, inclusive, of this act.

2. ~~{A board of county commissioners shall not enact or enforce a complete prohibition on the rental of a residential unit or a room within a residential unit for the purposes of transient lodging.~~

~~{3-}~~ A board of county commissioners may impose a civil penalty or fine on a person or accommodations facilitator for a violation of any additional requirement imposed on a person or accommodations facilitator pursuant to subsection 1 ~~{-}~~ if the additional requirement was imposed on the person or accommodations facilitator who committed the violation.

Sec. 11. 1. Notwithstanding any other provision of law, if the board of county commissioners or its designee issues an authorization pursuant to section 9 of this act to authorize an owner, lessee or other lawful occupant of a residential unit or a room within a residential unit located in the county, or a manager of such a residential unit, to rent the residential unit or a room within the residential unit for the purpose of transient lodging:

(a) The board of county commissioners shall require an accommodations facilitator who brokers, coordinates, makes available or otherwise arranges for the rental of a residential unit or a room within a residential unit in the county for the purpose of transient lodging to collect and remit to the county all taxes imposed on the gross receipts from the rental of the residential unit

or a room within the residential unit in the county for the purpose of transient lodging; and

(b) An accommodations facilitator who brokers, coordinates, makes available or otherwise arranges for the rental of a residential unit or a room within a residential unit in the county for the purpose of transient lodging must be deemed to be engaged in the business of providing transient lodging in the county and to be the person providing the transient lodging.

2. For the purposes of paragraph (b) of subsection 1, the accommodations facilitator shall be deemed to be engaged in the business of providing transient lodging and to be the person providing the transient lodging solely for the purposes of imposing, collecting and remitting all taxes on the gross receipts from the rental of transient lodging. The provisions of this section must not be interpreted or construed to, and a board of county commissioners shall not, create, expand or alter any other liability, duty, obligation or responsibility of the accommodations facilitator for, or relating to, the residential unit or a room within the residential unit.

Sec. 12. NRS 244.1545 is hereby amended to read as follows:

244.1545 1. The board of county commissioners ~~may~~:

(a) In a county whose population is 700,000 or more shall adopt an ordinance requiring ~~the~~:

~~—(a) A hosting platform~~ an accommodations facilitator that facilitates the rental of a residential unit in the county or a room ~~for space~~ within such a residential unit for the purposes of transient lodging to submit a quarterly report to an agency of the county of the information required by subsection 2 that is collected by the ~~hosting platform~~ accommodations facilitator.

(b) ~~An~~ In a county whose population is less than 700,000 may adopt an ordinance requiring an accommodations facilitator that facilitates the rental of a residential unit in the county or a room within such a residential unit for the purposes of transient lodging to submit a quarterly report to an agency of the county of the information required by subsection 2 that is collected by the accommodations facilitator.

(c) May adopt an ordinance requiring an owner or lessee which uses ~~a hosting platform~~ an accommodations facilitator that facilitates the rental of a residential unit in the county or a room ~~for space~~ within such a residential unit for the purposes of transient lodging to submit a quarterly report to an agency of the county of any information required by subsection 2 regarding the rental that is not collected by the ~~hosting platform~~ accommodations facilitator.

2. The report required by subsection 1 must state, for the quarter:

- (a) The number of bookings, listings, owners and lessees for the county;
- (b) The average number of bookings per listing for the county;
- (c) Current year-to-date booking value for the county;
- (d) Current year-to-date revenue collected from all rentals through the ~~hosting platform~~ accommodations facilitator in the county, disaggregated by owner or lessee; and
- (e) The average length of a rental in the county.

3. *An accommodations facilitator that submits the report required by subsection 1 shall provide a copy of the report to the Department of Taxation on a quarterly basis.*

4. An ordinance adopted pursuant to subsection 1 must authorize an agency of the county to issue subpoenas for the production of documents, records or materials relevant for determining whether a residential unit in the county or a room ~~for space~~ within such a residential unit has been rented in violation of any law of this State or an ordinance adopted by the board of county commissioners of the county. The ordinance must provide that such a subpoena may be issued only if:

(a) There is evidence sufficient to support a reasonable belief that a residential unit in the county or a room ~~for space~~ within such a residential unit has been rented or is being rented in violation of any law of this State or an ordinance adopted by the board of county commissioners of the county; and

(b) The subpoena identifies the rental alleged to be in violation of any law of this State or an ordinance adopted by the board of county commissioners of the county and the provision of law or ordinance allegedly violated.

➔ A subpoena issued pursuant to the ordinance must be mailed by regular and certified mail to the ~~hosting platform~~ *accommodations facilitator* or, if applicable, the owner or lessee who was required to file a quarterly report regarding the rental pursuant to the ordinance.

~~{4.}~~ 5. An ordinance adopted pursuant to subsection 1 must require:

(a) ~~{A hosting platform}~~ *An accommodations facilitator* to whom a subpoena has been issued pursuant to the ordinance to:

(1) Provide notice of the subpoena to the user of the ~~hosting platform~~ *accommodations facilitator* who provided the rental identified in the subpoena.

(2) Produce any subpoenaed books, papers or documents not later than 21 days after providing the notice required by subparagraph (1) unless otherwise ordered by a court.

(b) An owner or lessee of a rental to whom a subpoena has been issued pursuant to the ordinance to produce any subpoenaed books, papers or documents not later than 21 days after the issuance of the subpoena, unless otherwise ordered by a court.

~~{5.}~~ 6. If a person to whom a subpoena has been issued pursuant to an ordinance adopted pursuant to subsection 1 refuses to produce any document, record or material that the subpoena requires, the agency of the county issuing the subpoena may apply to the district court for the judicial district in which the county is located for the enforcement of the subpoena in the manner provided by law for the enforcement of a subpoena in a civil action.

~~{6.}~~ 7. As used in this section:

(a) "*Accommodations facilitator*" has the meaning ascribed to it in section 3 of this act.

(b) "*Hosting platform*" ~~{means a person who, for a fee or other charge, provides on an Internet website an online platform that facilitates the rental of a residential unit or a room or space within a residential unit by an owner or~~

~~lessee of the residential unit for the purposes of transient lodging, including, without limitation, through advertising, matchmaking or other means.~~

~~—(b)— has the meaning ascribed to it in section 4 of this act.~~

~~(c) "Residential unit" means a single family residence or an individual residential unit within a larger building, including, without limitation, an apartment, condominium, townhouse or duplex. The term does not include a timeshare or other property subject to the provisions of chapter 119A of NRS.]~~
has the meaning ascribed to it in section 5 of this act.

Sec. 13. NRS 244.33565 is hereby amended to read as follows:

244.33565 1. Each board of county commissioners shall adopt an ordinance that defines the term "transient lodging" for the purposes of all taxes imposed by the board on the rental of transient lodging. The ordinance must specify the types of lodging to which the taxes apply.

2. The definition adopted by the board ~~may~~ :

(a) In a county whose population is 700,000 or more, must include residential units and rooms in residential units; and

(b) May include rooms or spaces in any one or more of the following:

~~{(a)}~~ (1) Hotels;

~~{(b)}~~ (2) Motels;

~~{(c)}~~ (3) Apartments;

~~{(d)}~~ (4) Time-share projects, except when an owner of a unit in the time-share project who has a right to use or occupy the unit is occupying the unit pursuant to a time-share instrument as defined in NRS 119A.150;

~~{(e)}~~ (5) Apartment hotels;

~~{(f)}~~ (6) Vacation trailer parks;

~~{(g)}~~ (7) Campgrounds;

~~{(h)}~~ (8) Parks for recreational vehicles; and

~~{(i)}~~ (9) Any other establishment that rents rooms or spaces to temporary or transient guests.

3. The board may provide one or more different definitions pursuant to subsection 1 for different jurisdictions within the county in which the taxes are collected. Unless the governing body of the governmental entity that collects the taxes consents by majority vote to a change, each definition must be consistent with the past practices of the specific jurisdiction in which the taxes are collected.

4. *As used in this section, "residential unit" has the meaning ascribed to it in section 5 of this act.*

Sec. 14. Chapter 268 of NRS is hereby amended by adding thereto the provisions set forth as sections 14.5 to 24, inclusive, of this act.

Sec. 14.5. 1. *The provisions of sections 14.5 to 24, inclusive, of this act apply to a city whose population is 25,000 or more in a county whose population is 700,000 or more.*

2. *The provisions of sections 14.5 to 24, inclusive, of this act do not apply to a residential unit located within a building that is:*

(a) Located on land not zoned exclusively for residential use; and

(b) Owned or operated by a person who holds a nonrestricted license for gaming issued pursuant to NRS 463.170 or an affiliate of a person who holds a nonrestricted license for gaming.

3. As used in this section:

(a) "Affiliate" has the meaning ascribed to it in NRS 463.0133.

(b) "Nonrestricted license" has the meaning ascribed to it in NRS 463.0177.

Sec. 15. As used in sections 14.5 to 24, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 16 to 19, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 16. "Accommodations facilitator" means a person, other than the owner, lessee or other lawful occupant of a residential unit, or a manager of a residential unit, who, for a fee or other charge, brokers, coordinates, makes available or otherwise arranges for the rental of the residential unit or a room within a residential unit for the purpose of transient lodging. The term includes, without limitation, a hosting platform.

Sec. 16.5. "Authorization" means a permit, license, registration or any other type of approval or authorization issued by a city council or other governing body of an incorporated city or its designee to a person who, independently or using an accommodations facilitator, makes available for rent a residential unit or a room within a residential unit for the purposes of transient lodging.

Sec. 17. "Hosting platform" means a person who, for a fee or other charge, provides on an Internet website an online platform that facilitates the rental of a residential unit or a room within a residential unit by an owner or lessee of the residential unit for the purposes of transient lodging, including, without limitation, through advertising, matchmaking or other means.

Sec. 18. "Residential unit" means a single-family residence or an individual residential unit within a larger building, including, without limitation, a condominium, townhouse, duplex or other multifamily dwelling. The term does not include a timeshare or other property subject to the provisions of chapter 119A of NRS.

Sec. 19. "Transient lodging" has the meaning ascribed to it in the ordinance adopted pursuant to NRS 268.0195 by the city council or other governing body of an incorporated city to define the term "transient lodging" for the purpose of all taxes imposed by the city council or other governing body on the rental of transient lodging in the incorporated city.

Sec. 20. 1. A city council or other governing body of an incorporated city shall adopt and enforce an ordinance regulating:

(a) The rental of a residential unit or a room within a residential unit for the purposes of transient lodging in the incorporated city; and

(b) Accommodations facilitators.

2. The ordinance adopted pursuant to subsection 1 must, without limitation:

(a) Require the rental to meet the definition of "transient lodging" set forth in the ordinance adopted pursuant to NRS 268.0195 by the city council or other governing body of an incorporated city.

(b) Set forth the requirements for an application for an authorization issued pursuant to section 22 of this act, including, without limitation, designating an agency, officer or department of the incorporated city to administer applications for authorizations.

(c) Establish the amount of:

(1) The annual fee for an authorization issued pursuant to section 22 of this act; and

(2) The minimum liability coverage the holder of an authorization must maintain for the residential unit.

(d) Prohibit the rental of a residential unit or a room within a residential unit that is located in an apartment building.

(e) Prohibit the rental of a residential unit or a room within a residential unit for less than the minimum period for the residential unit. If the residential unit:

(1) Is owner-occupied, the minimum period for the rental is 1 night.

(2) Is not owner-occupied, the minimum period for the rental is 2 nights.

(f) Establish requirements to ensure a minimum distance:

(1) Of 660 feet between any residential units offered for rent for the purposes of transient lodging, except for residential units in a multifamily dwelling, and any other minimum separation requirement the city council or other governing body of the incorporated city, as applicable, determines is necessary; and

(2) Of 2,500 feet between any residential units offered for rent for the purposes of transient lodging and a resort hotel, as defined in NRS 463.01865.

(g) Establish the maximum occupancy requirements for a residential unit, which may not exceed more than 16 persons per residential unit.

(h) Except as otherwise provided in subsection 5, prohibit the issuance of an authorization pursuant to section 22 of this act:

(1) If the issuance would result in more than 10 percent of the residential units or rooms within the residential units in a multifamily dwelling being rented for the purposes of transient lodging or if the issuance would violate a prohibition against such rentals or a stricter limitation established by the owner of the multifamily dwelling; or

(2) For a residential unit or a room within a residential unit that is located in a common-interest community, unless the governing documents of the community expressly authorize the rental of a residential unit or a room within a residential unit for the purposes of transient lodging.

(i) Establish a maximum number of authorizations a person may hold, which may not exceed five authorizations per state business license.

(j) Establish a maximum number of authorizations that may be issued for the rental of rooms within a single residential unit.

(k) Define "party" as a gathering of people that exceeds the maximum occupancy of the residential unit established by the city council or governing body of the incorporated city pursuant to paragraph (g) and prohibit the use of the residential unit for parties, weddings, events or other large gatherings.

(l) Establish specific requirements for noise, trash and security for the rental of the residential unit or a room within the residential unit for the purposes of transient lodging.

(m) Establish a process for a person to report violations of the requirements established in the ordinance adopted pursuant to subsection 1 or any other issues resulting from the rental of the residential unit or a room within the residential unit for the purposes of transient lodging.

(n) Establish a schedule of civil penalties for violations of the ordinance adopted pursuant to subsection 1 by a holder of an authorization or an accommodations facilitator. A civil penalty imposed pursuant to such an ordinance ~~may~~ :

(1) May not exceed \$1,000 for a single violation or the nightly rental value of the residential unit or room within the residential unit, whichever is greater. ~~It~~ :

(2) Is in addition to any other penalty provided by law; and

(3) May only be imposed against the holder of the authorization or the accommodations facilitator, as applicable, who has committed the violation.

3. The ordinance adopted pursuant to subsection 1 may in addition to any other penalty provided by law, establish a schedule of civil penalties or fines to impose on a person who makes available a residential unit or room within a residential unit without holding an authorization issued pursuant to section 22 of this act. Any such civil penalty or fine for a single violation must not be less than \$1,000 or more than \$10,000. If the ordinance includes a schedule of civil penalties of fines pursuant to this subsection, the city council or other governing body of an incorporated city must establish standards for determining the amount of the civil penalty or fine which take into account, without limitation:

(a) The severity of the violation;

(b) Whether the person who committed the violation acted in good faith; and

(c) Any history of previous violations of the provisions of the ordinance or any other ordinance related to transient lodging.

4. The city council or other governing body of an incorporated city shall not enact or enforce a complete prohibition on the rental of a residential unit or a room within a residential unit for the purposes of transient lodging. Any ordinance or regulation which is inconsistent with this subsection is null and void and the city council or other governing body of an incorporated city shall repeal any such ordinance or regulation.

5. The ordinance adopted pursuant to subsection 1 must allow any person who has been lawfully issued a permit, license, registration or any other form of authorization from the city council or other governing body of the

incorporated city or its designee before ~~January 1,~~ July 1, 2022, to make available for rent a residential unit or a room within a residential unit for the purposes of transient lodging to continue to operate under his or her original authorization ~~and any subsequent authorizations issued by the city council or other governing body of the incorporated city or its designee~~ despite any provisions of the ordinance which may conflict with the location or type of residential unit, including, without limitation, any requirements adopted by the ordinance for the minimum distance between residential units. The provisions of this subsection apply only to the original holder of a permit, license, registration or other form of authorization and do not transfer to subsequent owners or occupants of a residential unit or room within a residential unit. An authorization issued before July 1, 2022, shall be deemed an authorization issued pursuant to section 22 of this act and may be suspended, terminated or revoked on or after July 1, 2022, in accordance with the provisions of the ordinance adopted pursuant to subsection 1.

Sec. 21. 1. Except as otherwise provided in subsection 5 of section 20 of this act, every person who makes available for rent a residential unit or a room within a residential unit for the purposes of transient lodging in an incorporated city must hold:

(a) An authorization issued pursuant to section 22 of this act by the city council or other governing body of the incorporated city or its designee in which the transient lodging is located; and

(b) A state business license.

2. The authorization and the state business license held by the person must be displayed in the residential unit and both the authorization number issued by the incorporated city and the business identification number assigned by the Secretary of State pursuant to chapter 76 of NRS must be included in any listing or advertisement for the rental of the residential unit or a room within the residential unit, including any listing or advertisement created by an accommodations facilitator.

3. Upon the request of a city council or other governing body of an incorporated city or its designee, an accommodations facilitator shall report all current listings of a residential unit or a room within a residential unit that the accommodations facilitator brokers, coordinates, makes available or otherwise arranges for the rental of for the purpose of transient lodging.

4. A city council or other governing body of an incorporated city or its designee may require an accommodations facilitator to verify that a residential unit or room within a residential unit has been issued an authorization pursuant to section 22 of this act before the accommodations facilitator may broker, coordinate, make available or otherwise arrange for the rental of a residential unit or a room within a residential unit for a fee.

Sec. 22. 1. Except as otherwise provided in subsection 5 of section 20 of this act, a person who wishes to offer for rent a residential unit or a room within a residential unit for the purposes of transient lodging in this State independently or using an accommodations facilitator must file a written

application for an authorization with the agency, officer or department designated by the city council or other governing body of an incorporated city in the ordinance and in the form set forth in the ordinance adopted pursuant to section 20 of this act.

2. Upon receipt of an application for an authorization, the city council or other governing body of an incorporated city may hold a public hearing on the application.

3. Before granting, denying or renewing an authorization, the city council or other governing body of the incorporated city or its designee, as applicable, may conduct any necessary health, safety or fire inspection of the residential unit. The costs of any inspection must be paid by the applicant.

4. The city council or other governing body of the incorporated city or its designee, as applicable, may grant or deny the authorization. If the city council or governing body or its designee grants an authorization, the city council or governing body or its designee, as applicable, shall include such terms and conditions for the rental of the residential unit or a room within the residential unit for the purposes of transient lodging that the city council or governing body or its designee deems necessary for the health and safety of the residents of the incorporated city. The conditions imposed by the city council or governing body or its designee, as applicable, must include, without limitation, provisions stipulating that the holder of the authorization is subject to the oversight and enforcement authority of the city and the local health authority, law enforcement agency and fire department having jurisdiction in the city.

5. A person who is granted an authorization pursuant to this section must, without limitation:

(a) Pay an annual fee for the authorization in an amount established in the ordinance adopted by the city council or other governing body of the incorporated city pursuant to section 20 of this act. The city council or governing body, as applicable, may increase the annual fee in an amendment to the ordinance.

(b) Maintain insurance which identifies that the property is used for transient lodging with a minimum liability coverage in an amount set forth in the ordinance adopted pursuant to section 20 of this act.

(c) Have a designated local representative who is responsible for the rental and available 24 hours a day, seven days a week to respond to any issues relating to the residential unit.

(d) Include educational information in the residential unit for any renters, which must include, without limitation, the occupancy limitations for the residential unit, emergency telephone numbers, the telephone number of the designated local representative, safety information, trash requirements, parking rules and noise regulations.

(e) Ensure that the address of the residential unit is clearly visible from the roadway.

(f) Maintain the residential unit in a safe and hazard-free condition, including, without limitation, all mechanical, electrical and plumbing systems within the residential unit.

(g) Ensure that the residential unit is equipped with a fire extinguisher, a smoke alarm or detector and a carbon monoxide alarm or detector.

Sec. 23. ~~11.1~~ 1. Except as otherwise provided in subsection 2, in accordance with the ordinance adopted pursuant to section 20 of this act, the city council or other governing body of an incorporated city or its designee may:

~~11.1~~ (a) Suspend or revoke any authorization issued pursuant to section 22 of this act;

~~12.1~~ (b) Impose a civil penalty on the holder of an authorization or an accommodations facilitator for a violation of any provision of the ordinance in accordance with the schedule of civil penalties set forth in the ordinance; and

~~13.1~~ (c) Impose a civil penalty or fine on a person who makes available a residential unit or a room within a residential unit without holding an authorization issued pursuant to section ~~20.1~~ 22 of this act in accordance with the schedule of civil penalties or fines set forth in the ordinance, if any.

2. A city council or other governing body of an incorporated city or its designee shall not impose a civil penalty on:

(a) A holder of an authorization for a violation of the ordinance committed by an accommodations facilitator; or

(b) An accommodations facilitator for a violation of the ordinance committed by a holder of an authorization.

Sec. 23.5. 1. Except as otherwise provided in subsection 2 ~~1.1~~ and subsection 4 of section 20 of this act, a city council or other governing body of an incorporated city may impose additional requirements on a person or accommodations facilitator related to the rental of a residential unit or a room within a residential unit for purposes of transient lodging that are more restrictive than the provisions of sections 14.5 to 24, inclusive of this act.

2. A city council or other governing body of an incorporated city shall not

~~1.1~~
~~— (a) Enact or enforce a complete prohibition on the rental of a residential unit or a room within a residential unit for the purposes of transient lodging;~~
~~or~~

~~— (b) Prohibit~~ prohibit a person who has been lawfully issued a permit, license, registration or any other form of authorization from the city council or other governing body of an incorporated city or its designee before ~~January~~ July 1, 2022, from continuing to operate under his or her original authorization ~~and any subsequent authorizations issued by the city council or other governing body of an incorporated city or its designee.~~ due to a conflict with the provisions of the ordinance relating to the location or type of residential unit. The provisions of this subsection do not prohibit a city council or other governing body from suspending, terminating or revoking an

authorization issued before July 1, 2022, for a violation of a provision of the ordinance other than those relating to the location or type of residential unit.

3. ~~A board of county commissioners,~~ city council or other governing body of an incorporated city may impose a civil penalty or fine on a person or accommodations facilitator for a violation of any additional requirement imposed on a person or accommodations facilitator pursuant to subsection 1 ~~if~~ if the additional requirement was imposed on the person or accommodations facilitator who committed the violation.

Sec. 24. 1. Notwithstanding any other provision of law, if the city council or other governing body of an incorporated city or its designee issues an authorization pursuant to section 22 of this act to authorize an owner, lessee or other lawful occupant of a residential unit or a room within a residential unit located in the incorporated city, or a manager of such a residential unit, to rent the residential unit or a room within the residential unit for the purpose of transient lodging:

(a) The city council or other governing body of the incorporated city, as applicable, shall require an accommodations facilitator who brokers, coordinates, makes available or otherwise arranges for the rental of a residential unit or a room within a residential unit in the incorporated city for the purpose of transient lodging to collect and remit to the incorporated city all taxes imposed on the gross receipts from the rental of the residential unit or a room within the residential unit in the incorporated city for the purpose of transient lodging; and

(b) An accommodations facilitator who brokers, coordinates, makes available or otherwise arranges for the rental of a residential unit or a room within a residential unit in the incorporated city for the purpose of transient lodging must be deemed to be engaged in the business of providing transient lodging in the incorporated city and to be the person providing the transient lodging.

2. For the purposes of paragraph (b) of subsection 1, the accommodations facilitator shall be deemed to be engaged in the business of providing transient lodging and to be the person providing the transient lodging solely for the purposes of imposing, collecting and remitting all taxes on the gross receipts from the rental of transient lodging. The provisions of this section must not be interpreted or construed to, and the city council or other governing body of an incorporated city shall not, create, expand or alter any other liability, duty, obligation or responsibility of the accommodations facilitator for, or relating to, the residential unit or a room within the residential unit.

Sec. 25. NRS 268.0195 is hereby amended to read as follows:

268.0195 1. The governing body of each city shall adopt an ordinance that defines the term "transient lodging" for the purposes of all taxes imposed by the governing body on the rental of transient lodging. The ordinance must specify the types of lodging to which the taxes apply.

2. The definition adopted by the governing body ~~may~~ :

(a) Of a city whose population is 25,000 or more in a county whose population is 700,000 or more must include residential units and rooms in residential units; and

(b) May include rooms or spaces in any one or more of the following:

~~[(a)]~~ (1) Hotels;

~~[(b)]~~ (2) Motels;

~~[(c)]~~ (3) Apartments;

~~[(d)]~~ (4) Time-share projects, except when an owner of a unit in the time-share project who has a right to use or occupy the unit is occupying the unit pursuant to a time-share instrument as defined in NRS 119A.150;

~~[(e)]~~ (5) Apartment hotels;

~~[(f)]~~ (6) Vacation trailer parks;

~~[(g)]~~ (7) Campgrounds;

~~[(h)]~~ (8) Parks for recreational vehicles; and

~~[(i)]~~ (9) Any other establishment that rents rooms or spaces to temporary or transient guests.

3. As used in this section, "residential unit" has the meaning ascribed to it in section 18 of this act.

Sec. 26. NRS 268.0957 is hereby amended to read as follows:

268.0957 1. The city council or other governing body of an incorporated city ~~may~~:

(a) ~~[(a)]~~ Whose population is 25,000 or more in a county whose population is 700,000 or more shall adopt an ordinance requiring ~~[(a)]~~

~~—(a) A hosting platform] an accommodations facilitator that facilitates the rental of a residential unit in the incorporated city or a room or space within such a residential unit for the purposes of transient lodging to submit a quarterly report to an agency of the incorporated city of the information required by subsection 2 that is collected by the [hosting platform.] accommodations facilitator.~~

(b) ~~[(b)]~~ In a county whose population is less than 700,000 or an incorporated city whose population is less than 25,000 in a county whose population is 700,000 or more may adopt an ordinance requiring an accommodations facilitator that facilitates the rental of a residential unit in the county or a room within such a residential unit for the purposes of transient lodging to submit a quarterly report to an agency of the city of the information required by subsection 2 that is collected by the accommodations facilitator.

(c) May adopt an ordinance requiring an owner or lessee which uses ~~[(a)]~~ ~~hosting platform] an accommodations facilitator that facilitates the rental of a residential unit in the county or a room [or space] within such a residential unit for the purposes of transient lodging to submit a quarterly report to an agency of the incorporated city of any information required by subsection 2 regarding the rental that is not collected by the [hosting platform.] accommodations facilitator.~~

2. The report required by subsection 1 must state, for the quarter:

(a) The number of bookings, listings, owners and lessees for the incorporated city;

(b) The average number of bookings per listing for the incorporated city;

(c) Current year-to-date booking value for the incorporated city;

(d) Current year-to-date revenue collected from all rentals through the ~~hosting platform~~ accommodations facilitator in the incorporated city, disaggregated by owner or lessee; and

(e) The average length of a rental in the incorporated city.

3. *An accommodations facilitator that submits the report required by subsection 1 shall provide a copy of the report to the Department of Taxation on a quarterly basis.*

4. An ordinance adopted pursuant to subsection 1 must authorize an agency of the incorporated city to issue subpoenas for the production of documents, records or materials relevant for determining whether a residential unit in the incorporated city or a room ~~for space~~ within such a residential unit has been rented in violation of any law of this State or an ordinance adopted by the city council or governing body of the incorporated city. The ordinance must provide that such a subpoena may be issued only if:

(a) There is evidence sufficient to support a reasonable belief that a residential unit in the incorporated city or a room ~~for space~~ within a residential unit has been rented or is being rented in violation of any law of this State or an ordinance adopted by the city council or governing body of the incorporated city;

(b) The subpoena identifies the rental alleged to be in violation of any law of this State or an ordinance adopted by the city council or governing body of the incorporated city and the provision of law or ordinance allegedly violated.

↪ A subpoena issued pursuant to the ordinance must be mailed by regular and certified mail to the ~~hosting platform~~ accommodations facilitator or, if applicable, the owner or lessee who was required to file a quarterly report regarding the rental pursuant to the ordinance.

~~{4.}~~ 5. An ordinance adopted pursuant to subsection 1 must require:

(a) ~~{A hosting platform}~~ An accommodations facilitator to whom a subpoena has been issued to:

(1) Provide notice of the subpoena to the user of the ~~hosting platform~~ accommodations facilitator who provided the rental identified in the subpoena.

(2) Produce any subpoenaed books, papers or documents not later than 21 days after providing the notice required by subparagraph (1) unless otherwise ordered by a court.

(b) An owner or lessee of a rental to whom a subpoena has been issued pursuant to the ordinance to produce any subpoenaed books, papers or documents not later than 21 days after the issuance of the subpoena, unless otherwise ordered by a court.

~~{5.}~~ 6. If a person to whom a subpoena has been issued pursuant to an ordinance adopted pursuant to subsection 1 refuses to produce any document, record or material that the subpoena requires, the agency of the incorporated

city issuing the subpoena may apply to the district court for the judicial district in which the investigation is being carried out for the enforcement of the subpoena in the manner provided by law for the enforcement of a subpoena in a civil action.

~~{6.}~~ 7. As used in this section:

(a) "Accommodations facilitator" *has the meaning ascribed to it in section 16 of this act.*

(b) "Hosting platform" ~~{means a person who, for a fee or other charge, provides on an Internet website an online platform that facilitates the rental of a residential unit or a room or space within a residential unit by an owner or lessee of the residential unit for the purposes of transient lodging, including, without limitation, through advertising, matchmaking or other means.~~

~~—(b)} has the meaning ascribed to it in section 17 of this act.~~

(c) "Residential unit" ~~{means a single family residence or an individual residential unit within a larger building, including, without limitation, an apartment, condominium, townhouse or duplex. The term does not include a timeshare or other property subject to the provisions of chapter 119A of NRS.}~~
has the meaning ascribed to it in section 18 of this act.

Sec. 26.5. 1. If on June 1, 2021, a board of county commissioners has prohibited by ordinance the use of an accommodations facilitator to make available for rent a residential unit or room within a residential unit, the board of county commissioners must establish a process by which any person who owns a residential unit and used an accommodations facilitator before June 1, 2021, to make available for rent a residential unit or room within a residential unit in violation of the ordinance may submit an application for an authorization pursuant to this section. The board of county commissioners may impose a reasonable fee for any such application.

2. A board of county commissioners must:

(a) Accept applications from persons described in subsection 1 for a period of six months after the ordinance required pursuant to section 7 of this act is adopted by the board of county commissioners.

(b) Give at least 30 days' notice of the application period described in paragraph (a).

(c) Set forth the application requirements. The minimum application requirements must include, without limitation, that the applicant and residential unit meet all the requirements set forth in the ordinance adopted pursuant to section 7 of this act and meet all the requirements set forth in section 8 of this act. A person who is granted an authorization pursuant to this section is subject to the regulations of section 9 of this act.

3. If a board of county commissioners limits the number of applications for authorizations that it will accept pursuant to subsection 1, 50 percent of the applications accepted must be from natural persons who own residential units.

4. A board of county commissioners shall not as a condition of approval of an application for an authorization submitted pursuant to subsection 1:

(a) Require the payment of any tax on transient lodging related to the rental of a residential unit using an accommodations facilitator before June 1, 2021, in violation of the ordinance described in subsection 1; or

(b) Require the payment of any penalty imposed for a violation of the ordinance described in subsection 1.

5. A decision on an application submitted to a board of county commissioners pursuant to this section is final and not subject to judicial review.

6. As used in this section:

(a) "Accommodations facilitator" means a person, other than the owner, lessee or other lawful occupant of a residential unit, or a manager of a residential unit, who, for a fee or other charge, brokers, coordinates, makes available or otherwise arranges for the rental of the residential unit or a room within a residential unit for the purpose of transient lodging. The term includes, without limitation, a hosting platform.

(b) "Authorization" means a permit, license, registration or any other type of approval or authorization issued by a board of county commissioners or its designee to a person who, independently or using an accommodations facilitator, makes available for rent a residential unit or a room within a residential unit for the purposes of transient lodging.

(c) "Board of county commissioners" means a board of county commissioners of a county whose population is 700,000 or more.

(d) "Hosting platform" means a person who, for a fee or other charge, provides on an Internet website an online platform that facilitates the rental of a residential unit or a room within a residential unit by an owner or lessee of the residential unit for the purposes of transient lodging, including, without limitation, through advertising, matchmaking or other means.

(e) "Residential unit" means a single-family residence or an individual residential unit within a larger building, including, without limitation, a condominium, townhouse, duplex or other multifamily dwelling. The term does not include a timeshare or other property subject to the provisions of chapter 119A of NRS.

Sec. 27. 1. This ~~act becomes~~ section and section 26.5 of this act become effective upon passage and approval.

2. Sections 1 to 26, inclusive, of this act become effective ~~on January~~:

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

(b) On July 1, 2022 ~~[-]~~, for all other purposes.

Senator Neal moved the adoption of the amendment.

Remarks by Senators Neal, Hardy and Pickard.

SENATOR NEAL:

Amendment No. 847 to Assembly Bill No. 363 makes technical corrections to sections 23 and 23.5. It clarifies that the provisions of the bill do not apply to cities with a population of less than 25,000 that are in a county whose population is 700,000 or more. It eliminates the provisions of

the bill that prohibit a city from enacting or enforcing a complete prohibition on the rental of a residential unit or a room within a residential unit for the purposes of transient lodging. It clarifies that an authorization to rent a residential unit issued before January 1, 2022, continues to be valid after that date and is deemed an authorization issued pursuant to this bill and subject to termination, suspension or revocation after that date. It clarifies the civil penalties that may be imposed by a board of county commissioners and specifies that the civil penalties authorized pursuant to the bill be in addition to other penalties provided by law for violations of a county ordinance.

It establishes provisions to specify that if on June 1, 2021, a board of county commissioners has prohibited, by ordinance, the use of an accommodations facilitator, the board of county commissioners must establish a process by which owners of a residential unit that have listed or advertised with an accommodations facilitator prior to June 1, 2021, may apply to the county for an authorization pursuant to this bill.

SENATOR HARDY:

I have vacillated on this and been frank with people that we should kill the bill, but that was not going to happen. I had other things, such as a population cap, to protect two cities in my district. In that discussion, I did not hear other cities say they wanted to be excluded; they were willing to work with the sponsor and become neutral or supportive of this bill.

I was singularly impressed with the graciousness that the Senator from District 4 showed in allowing me to work with an amendment in process. It has never happened where I could just walk in and be handed something to read, critique and give her feedback on it. I worked with the Chair of the Committee on Revenue and Economic Development in processing this. I recognize this was a difficult thing to do. It is difficult to keep people happy. With the amount of lobbying that was occurring, I am not sure anyone was happy. Due to the challenges we have in taking people who have not been towing the line to the rules of short-term rentals, there are many flaws in it. I appreciate the problem the county is in trying to get its arms around this problem. I regret cities were roped into this and appreciate the fact the two cities in my district that are under 25,000 were exempt. I appreciate the ability to work with the Senator from District 4. I support this Senator, who was the main author of this amendment.

SENATOR PICKARD:

I also struggled with this bill. There are many good reasons for bringing rules on these kinds of uses. I have friends who live a couple of doors down from a perennial party house. The owner of the house is in another state, and they have found this difficult to deal with. Even though they live within a common-interest community, that common-interest community is not very effective so they have been able to do nothing about it. I understand the impetus to do this. The reason I cannot go far enough to support this bill is that it is an intrusion into the proper operation of local government. If nothing else, local government is about local control and dealing with local issues. Land-use planning is fundamentally a local issue. No two neighborhoods are the same, particularly when you get into southern Nevada. You find a neighborhood in the northwest has a completely different feel and way of operating from those in the southeast. Even though there are things I like about this, the primary flaw in it is that it tells local areas how to deal with their land uses. That should be up to the locality to decide. I will be voting "no" on this measure.

Amendment adopted.

Bill read third time.

Remarks by Senator Neal.

Assembly Bill No. 363 establishes various requirements relating to persons who seek to provide for rent a residential unit or room within a residential unit for the purposes of transient lodging independently or using an accommodations facilitator as well as on the accommodations facilitator itself.

Roll call on Assembly Bill No. 363:

YEAS—15.

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

Assembly Bill No. 363 having received a two-thirds majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 371.

Bill read third time.

Remarks by Senator Donate.

Assembly Bill No. 371 extends provisions related to bullying and cyberbullying to additionally prohibit and address discrimination based on race. The bill requires the governing body of a school district or charter school to categorize an incident of discrimination based on race as a racially motivated or hate incident.

After reviewing certain reports regarding bullying, cyberbullying and discrimination based on race, the Office for a Safe and Respectful Learning Environment within Nevada's Department of Education must make any appropriate recommendations for intervention or training. The bill also requires an evaluation of a school employee to indicate any disciplinary actions taken against the employee if he or she knowingly and willfully violated certain statutory provisions concerning bullying, cyberbullying and discrimination based on race.

I have experienced discrimination in school both from classmates and from administrators and teachers. It is important we enact this bill to help.

Roll call on Assembly Bill No. 371:

YEAS—21.

NAYS—None.

Assembly Bill No. 371 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 376.

Bill read third time.

Remarks by Senators Denis and Kieckhefer.

SENATOR DENIS:

Assembly Bill No. 376 creates the Keep Nevada Working Task Force within the Office of the Lieutenant Governor and prescribes its membership. In addition, the bill prescribes the duties of the Task Force, requires the Task Force to meet quarterly, requires the submission of an annual report, authorizes the acceptance of gifts, grants or donations and requires various State, local and other entities to assist the Task Force under certain circumstances.

Provisions of the bill require the Attorney General's Office to publish model policies on various topics and requires various agencies to either adopt policies consistent with the model provided or notify the Attorney General's Office that model policies will not be adopted.

Assembly Bill No. 376 further includes a General Fund appropriation of \$500,000 to the William S. Boyd School of Law at UNLV for providing *pro bono* immigration law services.

SENATOR KIECKHEFER:

While I support some of the policies in this bill, such as those related to the Office of the Lieutenant Governor and the Task Force designed to incorporate immigrants into our economy and workforce, the other provisions of the bill, particularly as they relate to the standards to be developed by the Attorney General and imposed upon all other areas of the State, are inappropriate. For that reason, I will be voting against this bill.

Roll call on Assembly Bill No. 376:

YEAS—12.

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

Assembly Bill No. 376 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 393.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 851.

SUMMARY—Makes various changes relating to criminal justice. (BDR 14-484)

AN ACT relating to criminal justice; requiring the Executive Director of the Department of Sentencing Policy to assist the Nevada Sentencing Commission in carrying out certain duties; revising provisions relating to certain reports prepared by the Commission; authorizing the Commission to adopt qualifications for members of the Nevada Local Justice Reinvestment Coordinating Council; revising provisions concerning reports of presentence investigations; revising provisions relating to parolees and probationers; removing and replacing certain obsolete terminology; revising provisions concerning the embezzlement of a vehicle and certain marijuana-related offenses; authorizing the Attorney General to investigate and prosecute any criminal offense committed by a city officer or employee in certain circumstances; repealing provisions relating to inquiries to determine probable cause when a probationer is in custody for a violation of a condition of probation; repealing provisions requiring the Chief Parole and Probation Officer of the Division of Parole and Probation of the Department of Public Safety to adopt standards to assist in formulating a recommendation concerning the granting of probation or the revocation of parole or probation; providing penalties; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Nevada Sentencing Commission (hereinafter "Commission") to develop a formula to calculate the amount of costs avoided by the State each fiscal year as a result of the enactment of Assembly Bill No. 236 of the 2019 Legislative Session, which made various changes to criminal law and criminal procedure. Existing law requires the Commission to: (1) use the formula each fiscal year to calculate the costs avoided by the State during the immediately preceding fiscal year; and (2) prepare a biennial report containing the projected amount of costs avoided for the next biennium and recommendations for the reinvestment of the amount of those costs. (NRS 176.01347) Section 1 of this bill requires the Executive Director of the Department of Sentencing Policy to assist the Commission in carrying out such requirements relating to the use of the formula and the preparation of a biennial report. Section 5 of this bill makes a conforming change to require the Commission to carry out such duties with the assistance of the Department of Sentencing Policy (hereinafter "Department").

Existing law imposes various duties on the Commission, including a requirement that the Commission, with the assistance of the Department, prepare a biennial report that includes the Commission's recommended changes pertaining to sentencing, its findings and any recommendations for proposed legislation and submit the report to the Governor and the Legislature. (NRS 176.0134) Existing law also requires the Commission to prepare and submit a biennial report to the Governor, the Legislature and the Chief Justice of the Nevada Supreme Court that includes recommendations for improvements, changes and budgetary adjustments. The Commission is also authorized to include in the report additional recommendations for future legislation and policy options to enhance public safety and control corrections costs. (NRS 176.01343) Section 2 of this bill combines such requirements so the Commission is required to prepare one biennial report that is submitted to the Governor, the Legislature and the Chief Justice of the Nevada Supreme Court. Section 2 establishes the information to be included in such a report, and section 4 of this bill makes a conforming change to remove the language referencing the additional report.

Existing law establishes the Nevada Local Justice Reinvestment Coordinating Council (hereinafter "Council"), consisting of members appointed by the governing bodies of counties. (NRS 176.014) Section 6 of this bill authorizes the Commission to adopt any qualifications that a person must meet before being appointed as a member of the Council and requires each member of the Council to meet any such qualifications.

Existing law provides that a defendant convicted of a sexual offense and sentenced to lifetime supervision may petition the sentencing court or the State Board of Parole Commissioners for release from lifetime supervision if, among other criteria, the offender has been determined to be not likely to pose a threat to the safety of others. (NRS 176.0931) Existing law requires such a determination to be made by a person professionally qualified to conduct psychosexual evaluations who meets certain statutory requirements, including being licensed in this State. (NRS 176.0931, 176.133) Section 6.5 of this bill allows such a determination to be made by any licensed, clinical professional who has received training in the treatment of sexual offenders.

Existing law requires that reports of presentence investigations include certain specific information and any other information the court requires. (NRS 176.145) Section 7 of this bill removes the provision concerning other information the court requires to provide uniformity in the information contained in reports of presentence investigations.

Existing law requires the Chief Parole and Probation Officer of the Division of Parole and Probation of the Department of Public Safety (hereinafter "Chief") to adopt standards to assist in formulating a recommendation concerning the granting of probation to an eligible convicted person or the revocation of parole or probation of a convicted person. (NRS 213.10988) Existing law also requires a court to consider such standards and the recommendation of the Chief in determining whether to grant probation to an

eligible convicted person. (NRS 176A.100) Section 35 of this bill repeals the provision requiring the Chief to adopt such standards, and sections 9 and 15 of this bill accordingly remove the requirement that a court consider such standards when determining whether to grant probation to an eligible convicted person.

Existing law requires an inquiry to determine probable cause to be conducted before a probationer who is in custody for a violation of a condition of probation is returned to court for the violation and establishes provisions relating to such an inquiry. (NRS 176A.580-176A.610) Existing law authorizes the Chief to order such a probationer to be placed in residential confinement instead of detention in a county jail pending such an inquiry. (NRS 176A.530) Section 35 repeals such provisions, and sections 13, 14 and 20 of this bill make conforming changes to remove references to such an inquiry.

Existing law requires the Division of Parole and Probation of the Department of Public Safety (hereinafter "Division") to adopt a written system of graduated sanctions for parole and probation officers to use when a parolee or probationer commits a technical violation of parole or probation, as applicable. (NRS 176A.510) Section 12 of this bill removes references to parole and parolees from such provisions to make the provisions applicable only to probation and probationers, and section 21 of this bill establishes a new section that applies only to parole and parolees. Sections 22 and 27 of this bill make conforming changes to indicate the placement of section 21 within the Nevada Revised Statutes. Existing law also generally requires the Division to administer a risk and needs assessment to each parolee and probationer under the supervision of the Division for the purpose of establishing a level of supervision and develop an individualized case plan for each parolee and probationer. (NRS 213.1078) Section 23 of this bill removes references to probation and probationers from such provisions to make the provisions applicable only to parole and parolees, and section 8 of this bill establishes a new section that applies only to probation and probationers.

Sections 3, 10, 11, 13, 16-18, 24-26 and 28-31 of this bill remove the use of the obsolete terms "intensive supervision" and "strict supervision" in the Nevada Revised Statutes with regard to the supervision of probationers and parolees and replace such terms with the term "enhanced supervision."

Existing law provides that there is a reasonable inference that a person has embezzled a vehicle if the person leased or rented the vehicle and willfully and intentionally failed to return the vehicle to its owner within 72 hours after the lease or rental agreement expired. (NRS 205.312) Existing law provides that a person who is guilty of embezzlement is punished in the manner prescribed by law for the stealing or larceny of property of the kind and name of the money, goods, property or effects taken, converted, stolen used or appropriated. (NRS 205.300) Existing law also provides that a person who commits an offense involving a stolen vehicle is guilty of a category C felony and is additionally required to pay restitution. (NRS 205.273) Section 19 of this bill

specifies that a person who is convicted of embezzling a vehicle is also guilty of a category C felony and is additionally required to pay restitution.

Existing law generally provides that a person who is convicted of the possession of 1 ounce or less of marijuana is guilty of a misdemeanor for the first or second offense, a gross misdemeanor for the third offense and a category E felony for the fourth or subsequent offense, and a person who knowingly or intentionally sells, manufactures, delivers or brings into this State, or who is knowingly or intentionally in actual or constructive possession of, 50 pounds or more, but less than 1,000 pounds, of marijuana or 1 pound or more, but less than 20 pounds, of concentrated cannabis is guilty of a category C felony. (NRS 453.336, 453.339) Existing law exempts a person who is 21 years of age or older from state prosecution for the possession, delivery of production of 1 ounce or less of usable cannabis or one-eighth of an ounce of concentrated cannabis. (NRS 678D.200) Section 32 of this bill generally provides that a person who is convicted of the possession of more than 1 ounce, but less than 50 pounds, of marijuana or more than one-eighth of an ounce, but less than one pound, of concentrated cannabis, is guilty of a category E felony.

Existing law authorizes the Attorney General to investigate and prosecute any criminal offense committed by a county officer or employee in the course of his or her duties or arising out of circumstances related to his or her position in certain circumstances when the district attorney of the county does not act in the matter. (NRS 228.177) Section 31.5 of this bill authorizes the Attorney General to investigate and prosecute any criminal offense committed by a county officer or employee or a city officer or employee in the course of his or her duties or arising out of circumstances related to his or her position in certain circumstances when the district attorney of the county or the city attorney, as applicable, does not act in the matter.

Section 33 of this bill provides that the amendatory provisions of sections 19 and 32 apply to an offense committed: (1) on or after July 1, 2021; and (2) before July 1, 2021, if the person is sentenced on or after July 1, 2021. Section 33 also provides that the amendatory provisions of section 31.5 apply to an offense committed: (1) on or after the effective date of section 31.5; and (2) before the effective date of section 31.5 if the applicable statute of limitations has not expired on the effective date of section 31.5.

Section 32.5 of this bill makes an appropriation to the Department of Sentencing Policy for personnel costs related to data management.

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

Section 1. NRS 176.01327 is hereby amended to read as follows:

176.01327 The Executive Director appointed pursuant to NRS 176.01323 shall:

1. Oversee all of the functions of the Department.
2. Serve as Executive Secretary of the Sentencing Commission without additional compensation.

3. Report to the Sentencing Commission on sentencing and related issues regarding the functions of the Department and provide such information to the Sentencing Commission as requested.

4. Assist the Sentencing Commission in determining necessary and appropriate recommendations to assist in carrying out the responsibilities of the Department.

5. Establish the budget for the Department.

6. Facilitate the collection and aggregation of data from the courts, Department of Corrections, Division of Parole and Probation of the Department of Public Safety and any other agency of criminal justice.

7. Identify variables or sets of data concerning criminal justice that are not currently collected or shared across agencies of criminal justice within this State.

8. Assist in preparing and submitting the comprehensive report required to be prepared by the Sentencing Commission pursuant to subsection 11 of NRS 176.0134.

9. *Assist the Sentencing Commission in carrying out its duties pursuant to subsections 2 and 3 of NRS 176.01347 relating to the calculation of the costs avoided by this State for the immediately preceding fiscal year because of the enactment of chapter 633, Statutes of Nevada 2019, and the preparation of a report containing the projected amount of such costs for the next biennium and recommendations for the reinvestment of the amount of the costs.*

10. Take any other actions necessary to carry out the powers and duties of the Sentencing Commission pursuant to NRS 176.0131 to 176.014, inclusive.

Sec. 2. NRS 176.0134 is hereby amended to read as follows:

176.0134 The Sentencing Commission shall:

1. Advise the Legislature on proposed legislation and make recommendations with respect to all matters relating to the elements of this State's system of criminal justice which affect the sentences imposed for felonies and gross misdemeanors.

2. Evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states, including, without limitation, the use of plea bargaining, probation, programs of ~~intensive~~ supervision, programs of regimental discipline, imprisonment, sentencing recommendations, mandatory and minimum sentencing, mandatory sentencing for crimes involving the possession, manufacture and distribution of controlled substances, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.

3. Recommend changes in the structure of sentencing in this State which, to the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing, including, without limitation, the following:

(a) Offenders must receive sentences that increase in direct proportion to the severity of their crimes and their histories of criminality.

(b) Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for the imprisonment for life of such offenders.

(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.

(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.

(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.

(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.

(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.

4. Facilitate the development and maintenance of a statewide sentencing database in collaboration with state and local agencies, using existing databases or resources where appropriate.

5. Provide training regarding sentencing and related issues, policies and practices, and act as a sentencing policy resource for this State.

6. Evaluate the impact of pretrial, sentencing diversion, incarceration and postrelease supervision programs.

7. Identify potential areas of sentencing disparity related to race, gender and economic status.

8. Propose and recommend statutory sentencing guidelines, based on reasonable offense and offender characteristics which aim to preserve judicial discretion and provide for individualized sentencing, for the use of the district courts. If such guidelines are enacted by the Legislature, the Sentencing Commission shall review and propose any recommended changes.

9. Evaluate whether sentencing guidelines recommended pursuant to subsection 8 should be mandatory and if judicial findings should be required for any departures from the sentencing guidelines.

10. Provide recommendations and advice to the Executive Director concerning the administration of the Department, including, without limitation:

(a) Receiving reports from the Executive Director and providing advice to the Executive Director concerning measures to be taken by the Department to ensure compliance with the duties of the Sentencing Commission.

(b) Reviewing information from the Department regarding sentencing of offenders in this State.

(c) Requesting any audit, investigation or review the Sentencing Commission deems necessary to carry out the duties of the Sentencing Commission.

(d) Coordinating with the Executive Director regarding the procedures for the identification and collection of data concerning the sentencing of offenders in this State.

(e) Advising the Executive Director concerning any required reports and reviewing drafts of such reports.

(f) Making recommendations to the Executive Director concerning the budget for the Department, improvements to the criminal justice system and legislation related to the duties of the Sentencing Commission.

(g) Providing advice and recommendations to the Executive Director on any other matter.

11. For each regular session of the Legislature, with the assistance of the Department, prepare a comprehensive report including ~~[-] the Sentencing Commission's:~~

(a) ~~[-The Sentencing Commission's recommended]~~ *Recommended* changes pertaining to sentencing; ~~and~~

(b) ~~[-The Sentencing Commission's findings and any recommendations]~~ *Findings;*

(c) *Recommendations* for proposed legislation ~~[-]~~ ;

(d) *Identification of outcomes resulting from the enactment of chapter 633, Statutes of Nevada 2019, that were tracked and assessed as required pursuant to paragraphs (a), (b) and (c) of subsection 1 of NRS 176.01343;*

(e) *Identification of trends observed after the enactment of chapter 633, Statutes of Nevada 2019, that were tracked and assessed as required pursuant to paragraph (d) of subsection 1 of NRS 176.01343;*

(f) *Identification of gaps in the State's data tracking capabilities related to the criminal justice system and recommendations for filling any such gaps as required pursuant to paragraph (e) of subsection 1 of NRS 176.01343;*

(g) *Recommendations for improvements, changes and budgetary adjustments; and*

(h) *Additional recommendations for future legislation and policy options to enhance public safety and control corrections costs.*

12. Submit the report prepared pursuant to subsection 11 *not later than January 15 of each odd-numbered year* to:

(a) The Office of the Governor; ~~and~~

(b) The Director of the Legislative Counsel Bureau for distribution to the Legislature ~~[-not later than January 1 of each odd-numbered year.]~~ ; and

(c) *The Chief Justice of the Nevada Supreme Court.*

Sec. 3. NRS 176.0134 is hereby amended to read as follows:

176.0134 The Sentencing Commission shall:

1. Advise the Legislature on proposed legislation and make recommendations with respect to all matters relating to the elements of this State's system of criminal justice which affect the sentences imposed for felonies and gross misdemeanors.

2. Evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states, including, without limitation, the use of plea bargaining, probation, programs of *enhanced* supervision, programs of regimental discipline, imprisonment, sentencing recommendations, mandatory and minimum sentencing, mandatory sentencing for crimes involving the possession, manufacture and distribution of controlled substances, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.

3. Recommend changes in the structure of sentencing in this State which, to the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing, including, without limitation, the following:

(a) Offenders must receive sentences that increase in direct proportion to the severity of their crimes and their histories of criminality.

(b) Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for the imprisonment for life of such offenders.

(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.

(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.

(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.

(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.

(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.

4. Facilitate the development and maintenance of a statewide sentencing database in collaboration with state and local agencies, using existing databases or resources where appropriate.

5. Provide training regarding sentencing and related issues, policies and practices, and act as a sentencing policy resource for this State.

6. Evaluate the impact of pretrial, sentencing diversion, incarceration and postrelease supervision programs.

7. Identify potential areas of sentencing disparity related to race, gender and economic status.

8. Propose and recommend statutory sentencing guidelines, based on reasonable offense and offender characteristics which aim to preserve judicial discretion and provide for individualized sentencing, for the use of the district courts. If such guidelines are enacted by the Legislature, the Sentencing Commission shall review and propose any recommended changes.

9. Evaluate whether sentencing guidelines recommended pursuant to subsection 8 should be mandatory and if judicial findings should be required for any departures from the sentencing guidelines.

10. Provide recommendations and advice to the Executive Director concerning the administration of the Department, including, without limitation:

(a) Receiving reports from the Executive Director and providing advice to the Executive Director concerning measures to be taken by the Department to ensure compliance with the duties of the Sentencing Commission.

(b) Reviewing information from the Department regarding sentencing of offenders in this State.

(c) Requesting any audit, investigation or review the Sentencing Commission deems necessary to carry out the duties of the Sentencing Commission.

(d) Coordinating with the Executive Director regarding the procedures for the identification and collection of data concerning the sentencing of offenders in this State.

(e) Advising the Executive Director concerning any required reports and reviewing drafts of such reports.

(f) Making recommendations to the Executive Director concerning the budget for the Department, improvements to the criminal justice system and legislation related to the duties of the Sentencing Commission.

(g) Providing advice and recommendations to the Executive Director on any other matter.

11. For each regular session of the Legislature, with the assistance of the Department, prepare a comprehensive report including the Sentencing Commission's:

(a) Recommended changes pertaining to sentencing;

(b) Findings;

(c) Recommendations for proposed legislation;

(d) Identification of outcomes resulting from the enactment of chapter 633, Statutes of Nevada 2019, that were tracked and assessed as required pursuant to paragraphs (a), (b) and (c) of subsection 1 of NRS 176.01343;

(e) Identification of trends observed after the enactment of chapter 633, Statutes of Nevada 2019, that were tracked and assessed as required pursuant to paragraph (d) of subsection 1 of NRS 176.01343;

(f) Identification of gaps in the State's data tracking capabilities related to the criminal justice system and recommendations for filling any such gaps as required pursuant to paragraph (e) of subsection 1 of NRS 176.01343;

(g) Recommendations for improvements, changes and budgetary adjustments; and

(h) Additional recommendations for future legislation and policy options to enhance public safety and control corrections costs.

12. Submit the report prepared pursuant to subsection 11 not later than January 15 of each odd-numbered year to:

(a) The Office of the Governor;

(b) The Director of the Legislative Counsel Bureau for distribution to the Legislature; and

(c) The Chief Justice of the Nevada Supreme Court.

Sec. 4. NRS 176.01343 is hereby amended to read as follows:

176.01343 1. The Sentencing Commission shall:

(a) Track and assess outcomes resulting from the enactment of chapter 633, Statutes of Nevada 2019, including, without limitation, the following data from the Department of Corrections:

(1) With respect to prison admissions:

(I) The total number of persons admitted to prison by type of offense, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age and, if measured upon intake, risk score;

(II) The average minimum and maximum sentence term by type of offense, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score; and

(III) The number of persons who received a clinical assessment identifying a mental health or substance use disorder upon intake.

(2) With respect to parole and release from prison:

(I) The average length of stay in prison for each type of release by type of offense, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;

(II) The total number of persons released from prison each year by type of release, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;

(III) The recidivism rate of persons released from prison by type of release; and

(IV) The total number of persons released from prison each year who return to prison within 36 months by type of admission, type of release, type

of return to prison, including, without limitation, whether such a subsequent prison admission was the result of a new felony conviction or a revocation of parole due to a technical violation, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score.

(3) With respect to the number of persons in prison:

(I) The total number of persons held in prison on December 31 of each year, not including those persons released from a term of prison who reside in a parole housing unit, by type of offense, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;

(II) The total number of persons held in prison on December 31 of each year who have been granted parole by the State Board of Parole Commissioners but remain in custody, and the reasons therefor;

(III) The total number of persons held in prison on December 31 of each year who are serving a sentence of life with or without the possibility of parole or who have been sentenced to death; and

(IV) The total number of persons as of December 31 of each year who have started a treatment program while in prison, have completed a treatment program while in prison and are awaiting a treatment program while in prison, by type of treatment program and type of offense.

(b) Track and assess outcomes resulting from the enactment of chapter 633, Statutes of Nevada 2019, with respect to the following data, which the Division shall collect and report to the Sentencing Commission:

(1) With respect to the number of persons on probation or parole:

(I) The total number of supervision intakes by type of offense, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;

(II) The average term of probation imposed for persons on probation by type of offense;

(III) The average time served by persons on probation or parole by type of discharge, felony category and type of offense;

(IV) The average time credited to a person's term of probation or parole as a result of successful compliance with supervision;

(V) The total number of supervision discharges by type of discharge, including, without limitation, honorable discharges and dishonorable discharges, and cases resulting in a return to prison;

(VI) The recidivism rate of persons discharged from supervision by type of discharge, according to the Division's internal definition of recidivism;

(VII) The number of persons identified as having a mental health issue or a substance use disorder; and

(VIII) The total number of persons on probation or parole who are located within this State on December 31 of each year, not including those persons who are under the custody of the Department of Corrections.

(2) With respect to persons on probation or parole who violate a condition of supervision or commit a new offense:

(I) The total number of revocations and the reasons therefor, including, without limitation, whether the revocation was the result of a mental health issue or substance use disorder;

(II) The average amount of time credited to a person's suspended sentence or the remainder of the person's sentence from time spent on supervision;

(III) The total number of persons receiving administrative or jail sanctions, by type of offense and felony category; and

(IV) The median number of administrative sanctions issued by the Division to persons on supervision, by type of offense and felony category.

(c) Track and assess outcomes resulting from the enactment of chapter 633, Statutes of Nevada 2019, with respect to savings and reinvestment, including, without limitation:

(1) The total amount of annual savings resulting from the enactment of any legislation relating to the criminal justice system;

(2) The total annual costs avoided by this State because of the enactment of chapter 633, Statutes of Nevada 2019, as calculated pursuant to NRS 176.01347; and

(3) The entities that received reinvestment funds, the total amount directed to each such entity and a description of how the funds were used.

(d) Track and assess trends observed after the enactment of chapter 633, Statutes of Nevada 2019, including, without limitation, the following data, which the Central Repository for Nevada Records of Criminal History shall collect and report to the Sentencing Commission as reported to the Federal Bureau of Investigation:

(1) The uniform crime rates for this State and each county in this State by index crimes and type of crime; and

(2) The percentage changes in uniform crime rates for this State and each county in this State over time by index crimes and type of crime.

(e) Identify gaps in this State's data tracking capabilities related to the criminal justice system and make recommendations for filling any such gaps.

~~(f) [Prepare and submit a report not later than the first day of the second full week of each regular session of the Legislature to the Governor, the Director of the Legislative Counsel Bureau for transmittal to the Legislature and the Chief Justice of the Nevada Supreme Court. The report must include recommendations for improvements, changes and budgetary adjustments and may also present additional recommendations for future legislation and policy options to enhance public safety and control corrections costs.~~

~~—(g)]~~ Employ and retain other professional staff as necessary to coordinate performance and outcome measurement and develop the report required pursuant to this section.

2. As used in this section:

(a) "Technical violation" has the meaning ascribed to it in NRS 176A.510.

(b) "Type of admission" means the manner in which a person entered into the custody of the Department of Corrections, according to the internal definitions used by the Department of Corrections.

(c) "Type of offense" means an offense categorized by the Department of Corrections as a violent offense, sex offense, drug offense, property offense, DUI offense or other offense, consistent with the internal data systems used by the Department of Corrections.

Sec. 5. NRS 176.01347 is hereby amended to read as follows:

176.01347 1. The Sentencing Commission shall develop a formula to calculate for each fiscal year the amount of costs avoided by this State because of the enactment of chapter 633, Statutes of Nevada 2019. The formula must include, without limitation, a comparison of:

(a) The annual projection of the number of persons who will be in a facility or institution of the Department of Corrections which was created by the Office of Finance pursuant to NRS 176.0129 for calendar year 2018; and

(b) The actual number of persons who are in a facility or institution of the Department of Corrections during each year.

2. Not later than December 1 of each fiscal year, the Sentencing Commission shall , *with the assistance of the Department*, use the formula developed pursuant to subsection 1 to calculate the costs avoided by this State for the immediately preceding fiscal year because of the enactment of chapter 633, Statutes of Nevada 2019, and submit a statement of the amount of the costs avoided to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee.

3. Not later than August 1 of each even-numbered year, the Sentencing Commission shall , *with the assistance of the Department*, prepare a report containing the projected amount of costs avoided by this State for the next biennium because of the enactment of chapter 633, Statutes of Nevada 2019, and recommendations for the reinvestment of the amount of those costs to provide financial support to programs and services that address the behavioral health needs of persons involved in the criminal justice system in order to reduce recidivism. In preparing the report, the Sentencing Commission shall prioritize providing financial support to:

(a) The Department of Corrections for programs for reentry of offenders and parolees into the community, programs for vocational training and employment of offenders, educational programs for offenders and transitional work programs for offenders;

(b) The Division for services for offenders reentering the community, the supervision of probationers and parolees and programs of treatment for probationers and parolees that are proven by scientific research to reduce recidivism;

(c) Any behavioral health field response grant program developed and implemented pursuant to NRS 289.675;

(d) The Housing Division of the Department of Business and Industry to create or provide transitional housing for probationers and parolees and offenders reentering the community; and

(e) The Nevada Local Justice Reinvestment Coordinating Council created by NRS 176.014 for the purpose of making grants to counties for programs and treatment that reduce recidivism of persons involved in the criminal justice system.

4. Not later than August 1 of each even-numbered year, the Sentencing Commission shall submit the report prepared pursuant to subsection 3 to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

Sec. 6. NRS 176.014 is hereby amended to read as follows:

176.014 1. The Nevada Local Justice Reinvestment Coordinating Council is hereby created. The Council consists of:

(a) One member from each county in this State whose population is less than 100,000; and

(b) Two members from each county in this State whose population is 100,000 or more.

2. Each member of the Council must be appointed by the governing body of the applicable county ~~and must meet any qualifications adopted by the Sentencing Commission pursuant to subsection 7.~~ The Chair of the Sentencing Commission shall appoint the Chair of the Council from among the members of the Council.

3. The Council shall:

(a) Advise the Sentencing Commission on matters related to any legislation, regulations, rules, budgetary changes and all other actions needed to implement the provisions of Chapter 633, Statutes of Nevada 2019, as they relate to local governments;

(b) Identify county-level programming and treatment needs for persons involved in the criminal justice system for the purpose of reducing recidivism;

(c) Make recommendations to the Sentencing Commission regarding grants to local governments and nonprofit organizations from the State General Fund;

(d) Oversee the implementation of local grants;

(e) Create performance measures to assess the effectiveness of the grants; and

(f) Identify opportunities for collaboration with the Department of Health and Human Services at the state and county level for treatment services and funding.

4. Each member of the Council serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Council must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

5. While engaged in the business of the Council, to the extent of legislative appropriation, each member of the Council is entitled to receive the per diem

allowance and travel expenses provided for state officers and employees generally.

6. To the extent of legislative appropriation, the Sentencing Commission shall provide the Council with such staff as is necessary to carry out the duties of the Council pursuant to this section.

7. *The Sentencing Commission may adopt any qualifications that a person must meet before being appointed as a member of the Council.*

Sec. 6.5. NRS 176.0931 is hereby amended to read as follows:

176.0931 1. If a defendant is convicted of a sexual offense, the court shall include in sentencing, in addition to any other penalties provided by law, a special sentence of lifetime supervision.

2. The special sentence of lifetime supervision commences after any period of probation or any term of imprisonment and any period of release on parole.

3. A person sentenced to lifetime supervision may petition the sentencing court or the State Board of Parole Commissioners for release from lifetime supervision. The sentencing court or the Board shall grant a petition for release from a special sentence of lifetime supervision if:

(a) The person has complied with the requirements of the provisions of NRS 179D.010 to 179D.550, inclusive;

(b) The person has not been convicted of an offense that poses a threat to the safety or well-being of others for an interval of at least 10 consecutive years after the person's last conviction or release from incarceration, whichever occurs later; and

(c) The person is not likely to pose a threat to the safety of others, as determined by a ~~person professionally qualified to conduct psychosexual evaluations,~~ *licensed, clinical professional who has received training in the treatment of sexual offenders*, if released from lifetime supervision.

4. A person who is released from lifetime supervision pursuant to the provisions of subsection 3 remains subject to the provisions for registration as a sex offender and to the provisions for community notification, unless the person is otherwise relieved from the operation of those provisions pursuant to the provisions of NRS 179D.010 to 179D.550, inclusive.

5. As used in this section:

(a) "Offense that poses a threat to the safety or well-being of others" includes, without limitation:

(1) An offense that involves:

(I) A victim less than 18 years of age;

(II) A crime against a child as defined in NRS 179D.0357;

(III) A sexual offense as defined in NRS 179D.097;

(IV) A deadly weapon, explosives or a firearm;

(V) The use or threatened use of force or violence;

(VI) Physical or mental abuse;

(VII) Death or bodily injury;

(VIII) An act of domestic violence;

(IX) Harassment, stalking, threats of any kind or other similar acts;

(X) The forcible or unlawful entry of a home, building, structure, vehicle or other real or personal property; or

(XI) The infliction or threatened infliction of damage or injury, in whole or in part, to real or personal property.

(2) Any offense listed in subparagraph (1) that is committed in this State or another jurisdiction, including, without limitation, an offense prosecuted in:

(I) A tribal court.

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

(b) ~~["Person professionally qualified to conduct psychosexual evaluations" has the meaning ascribed to it in NRS 176.133.~~

~~—(c)~~ "Sexual offense" means:

(1) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;

(2) An attempt to commit an offense listed in subparagraph (1); or

(3) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

Sec. 7. NRS 176.145 is hereby amended to read as follows:

176.145 1. The report of any presentence investigation must contain:

(a) Any:

(1) Prior criminal convictions of the defendant;

(2) Unresolved criminal cases involving the defendant;

(3) Incidents in which the defendant has failed to appear in court when his or her presence was required;

(4) Arrests during the 10 years immediately preceding the date of the offense for which the report is being prepared; and

(5) Participation in any program in a specialty court or any diversionary program, including whether the defendant successfully completed the program;

(b) Information concerning the characteristics of the defendant, the defendant's financial condition, including whether the information pertaining to the defendant's financial condition has been verified, the circumstances affecting the defendant's behavior and the circumstances of the defendant's offense that may be helpful in imposing sentence, in granting probation or in the correctional treatment of the defendant;

(c) Information concerning the effect that the offense committed by the defendant has had upon the victim, including, without limitation, any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources, but the provisions of this paragraph do not require any particular examination or

testing of the victim, and the extent of any investigation or examination is solely at the discretion of the court or the Division and the extent of the information to be included in the report is solely at the discretion of the Division;

(d) Information concerning whether the defendant has an obligation for the support of a child, and if so, whether the defendant is in arrears in payment on that obligation;

(e) Data or information concerning reports and investigations thereof made pursuant to chapter 432B of NRS and NRS 392.275 to 392.365, inclusive, that relate to the defendant and are made available pursuant to NRS 432B.290 or NRS 392.317 to 392.337, inclusive, as applicable;

(f) The results of any evaluation or assessment of the defendant conducted pursuant to NRS 176A.240, 176A.260, 176A.280 or 484C.300; *and*

(g) If a psychosexual evaluation of the defendant is required pursuant to NRS 176.139, a written report of the results of the psychosexual evaluation of the defendant and all information that is necessary to carry out the provisions of NRS 176A.110 . ~~}; and~~

~~—(h) Such other information as may be required by the court.]~~

2. The Division shall include in the report the source of any information, as stated in the report, related to the defendant's offense, including, without limitation, information from:

- (a) A police report;
- (b) An investigative report filed with law enforcement; or
- (c) Any other source available to the Division.

3. The Division may include in the report any additional information that it believes may be helpful in imposing a sentence, in granting probation or in correctional treatment.

Sec. 8. Chapter 176A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 3, the Division shall administer a risk and needs assessment to each probationer under the Division's supervision. The results of the risk and needs assessment must be used to set a level of supervision for each probationer and to develop individualized case plans pursuant to subsection 4. The risk and needs assessment must be administered and scored by a person trained in the administration of the tool.*

2. *Except as otherwise provided in subsection 3, on a schedule determined by the Nevada Risk Assessment System, or its successor risk assessment tool, or more often if necessary, the Division shall administer a subsequent risk and needs assessment to each probationer. The results of the risk and needs assessment conducted in accordance with this section must be used to determine whether a change in the level of supervision is necessary. The Division shall document the reasons for maintaining or changing the level of supervision. If the Division changes the level of supervision, the Division shall notify the probationer of the change.*

3. *The provisions of subsections 1 and 2 are not applicable if:*

(a) *The level of supervision for the probationer is set by the court or by law;*

or

(b) *The probationer is ordered to participate in a program of probation secured by a security bond pursuant to NRS 176A.300 to 176A.370, inclusive.*

4. *The Division shall develop an individualized case plan for each probationer. The case plan must include a plan for addressing the criminogenic risk factors identified on the risk and needs assessment, if applicable, and the list of responsivity factors that will need to be considered and addressed for each probationer.*

5. *Upon a finding that a term or condition of probation ordered pursuant to subsection 1 of NRS 176A.400 or the level of supervision set pursuant to this section does not align with the results of a risk and needs assessment administered pursuant to subsection 1 or 2 ~~of the~~:*

(a) The supervising officer shall ~~seek a modification of~~ notify the court of the finding; and

(b) The court may modify the terms and conditions ~~from the court~~ of probation pursuant to subsection 1 of NRS 176A.450.

6. *The risk and needs assessment required under this section must undergo periodic validation studies in accordance with the timeline established by the developer of the assessment. The Division shall establish quality assurance procedures to ensure proper and consistent scoring of the risk and needs assessment.*

Sec. 9. NRS 176A.100 is hereby amended to read as follows:

176A.100 1. Except as otherwise provided in this section and NRS 176A.110 and 176A.120, if a person is found guilty in a district court upon verdict or plea of:

(a) Murder of the first or second degree, kidnapping in the first degree, sexual assault, attempted sexual assault of a child who is less than 16 years of age, lewdness with a child pursuant to NRS 201.230, an offense for which the suspension of sentence or the granting of probation is expressly forbidden, or if the person is found to be a habitual criminal pursuant to NRS 207.010, a habitually fraudulent felon pursuant to NRS 207.014 or a habitual felon pursuant to NRS 207.012, the court shall not suspend the execution of the sentence imposed or grant probation to the person.

(b) A category E felony, except as otherwise provided in this paragraph, the court shall suspend the execution of the sentence imposed and grant probation to the person. The court may, as it deems advisable, decide not to suspend the execution of the sentence imposed and grant probation to the person if, at the time of sentencing, it is established that the person had previously been two times convicted, whether in this State or elsewhere, of a crime that under the laws of the situs of the crime or of this State would amount to a felony. If the person denies the existence of a previous conviction, the court shall determine the issue of the previous conviction after hearing all relevant evidence presented on the issue by the prosecution and the person. At such a

hearing, the person may not challenge the validity of a previous conviction. For the purposes of this paragraph, a certified copy of a felony conviction is prima facie evidence of conviction of a prior felony.

(c) Another felony, a gross misdemeanor or a misdemeanor, the court may suspend the execution of the sentence imposed and grant probation as the court deems advisable.

2. In determining whether to grant probation to a person, the court shall not consider whether the person has the financial ability to participate in a program of probation secured by a surety bond established pursuant to NRS 176A.300 to 176A.370, inclusive.

3. ~~{The court shall consider the standards adopted pursuant to NRS 213.10988 and the recommendation of the Chief Parole and Probation Officer, if any, in determining whether to grant probation to a person.~~

~~—4.}~~ If the court determines that a person is otherwise eligible for probation but requires more supervision than would normally be provided to a person granted probation, the court may, in lieu of sentencing the person to a term of imprisonment, grant probation pursuant to the Program of ~~{Intensive}~~ *Enhanced* Supervision established pursuant to NRS 176A.440.

~~{5.}~~ 4. Except as otherwise provided in this subsection, if a person is convicted of a felony and the Division is required to make a presentence investigation and report to the court pursuant to NRS 176.135, the court shall not grant probation to the person until the court receives the report of the presentence investigation from the Chief Parole and Probation Officer. The Chief Parole and Probation Officer shall submit the report of the presentence investigation to the court not later than 45 days after receiving a request for a presentence investigation from the county clerk. If the report of the presentence investigation is not submitted by the Chief Parole and Probation Officer within 45 days, the court may grant probation without the report.

~~{6.}~~ 5. If the court determines that a person is otherwise eligible for probation, the court shall, when determining the conditions of that probation, consider the imposition of such conditions as would facilitate timely payments by the person of an obligation, if any, for the support of a child and the payment of any such obligation which is in arrears.

Sec. 10. NRS 176A.310 is hereby amended to read as follows:

176A.310 1. The court shall set the conditions of a program of probation secured by a surety bond. The conditions must be appended to and made part of the bond. The conditions may include, but are not limited to, any one or more of the following:

(a) Submission to periodic tests to determine whether the probationer is using any controlled substance or alcohol.

(b) Participation in a program for the treatment of the use of a controlled substance or alcohol or a program for the treatment of any other impairment.

(c) Participation in a program of professional counseling, including, but not limited to, counseling for the family of the probationer.

(d) Restrictions or a prohibition on contact or communication with witnesses or victims of the crime committed by the probationer.

(e) A requirement to obtain and keep employment.

(f) Submission to a Program of ~~[Intensive]~~ *Enhanced* Supervision.

(g) Restrictions on travel by the probationer outside the jurisdiction of the court.

(h) Payment of restitution.

(i) Payment of fines and court costs.

(j) Supervised community service.

(k) Participation in educational courses.

2. A surety shall:

(a) Provide the facilities or equipment necessary to:

(1) Perform tests to determine whether the probationer is using any controlled substance or alcohol, if the court requires such tests as a condition of probation;

(2) Carry out a Program of ~~[Intensive]~~ *Enhanced* Supervision, if the court requires such a Program as a condition of probation; and

(3) Enable the probationer to report regularly to the surety.

(b) Notify the court within 24 hours after the surety has knowledge of a violation of or a failure to fulfill a condition of the program of probation.

3. A probationer participating in a program of probation secured by a surety bond shall:

(a) Report regularly to the surety; and

(b) Pay the fee charged by the surety for the execution of the bond.

Sec. 11. NRS 176A.440 is hereby amended to read as follows:

176A.440 1. The Chief Parole and Probation Officer shall develop a program for the ~~[intensive]~~ *enhanced* supervision of a person granted probation pursuant to subsection ~~[4]~~ 3 of NRS 176A.100.

2. The Program of ~~[Intensive]~~ *Enhanced* Supervision must include an initial period of electronic supervision of the probationer with an electronic device approved by the Division. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the probationer's location, including, but not limited to, the transmission of still visual images which do not concern the probationer's activities, and producing, upon request, reports or records of the probationer's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the probationer's activities,

↪ must not be used.

Sec. 12. NRS 176A.510 is hereby amended to read as follows:

176A.510 1. The Division shall adopt a written system of graduated sanctions for parole and probation officers to use when responding to a

technical violation of the conditions of probation . ~~{or parole}~~ The system must:

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

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

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

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

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

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

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

7. As used in this section:

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

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

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

(1) New felony or gross misdemeanor;

(2) Battery which constitutes domestic violence pursuant to NRS 200.485;

(3) Violation of NRS 484C.110 or 484C.120;

(4) Crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor;

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

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

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

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

Sec. 13. NRS 176A.540 is hereby amended to read as follows:

176A.540 1. ~~[The]~~ *Except as otherwise provided in subsection 4, the* Chief Parole and Probation Officer may order the residential confinement of a probationer if the Chief Parole and Probation Officer believes that the probationer poses no danger to the community and will appear at a scheduled ~~[inquiry or]~~ court hearing.

2. In ordering the residential confinement of a probationer, the Chief Parole and Probation Officer shall:

(a) Require the probationer to be confined to the probationer's residence during the time the probationer is away from any employment, community service or other activity authorized by the Division; and

(b) Require ~~[intensive]~~ *enhanced* supervision of the probationer, including, without limitation, unannounced visits to the probationer's residence or other locations where the probationer is expected to be to determine whether the probationer is complying with the terms of confinement.

3. An electronic device approved by the Division may be used to supervise a probationer who is ordered to be placed in residential confinement. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the probationer's location, including, but not limited to, the transmission of still visual images which do not concern the probationer's activities, and producing, upon request, reports or records of the probationer's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the probationer's activities,

↪ must not be used.

4. The Chief Parole and Probation Officer shall not order a probationer to be placed in residential confinement unless the probationer agrees to the order.

5. Any residential confinement must not extend beyond the unexpired maximum term of the original sentence.

Sec. 14. NRS 176A.560 is hereby amended to read as follows:

176A.560 1. The Chief Parole and Probation Officer may terminate the residential confinement of a probationer and order the detention of the probationer in a county jail pending ~~[an inquiry or]~~ a court hearing if:

(a) The probationer violates the terms or conditions of the residential confinement; or

(b) The Chief Parole and Probation Officer, in his or her discretion, determines that the probationer poses a danger to the community or that there is a reasonable doubt that the probationer will appear at the ~~[inquiry or]~~ hearing.

2. A probationer has no right to dispute a decision to terminate the residential confinement.

Sec. 15. NRS 176A.630 is hereby amended to read as follows:

176A.630 1. If the probationer is arrested, by or without warrant, in another judicial district of this state, the court which granted the probation may assign the case to the district court of that district, with the consent of that court. The court retaining or thus acquiring jurisdiction shall cause the defendant to be brought before it ~~[,]~~ and consider the ~~[standards adopted pursuant to NRS 213.10988 and]~~ system of graduated sanctions adopted pursuant to NRS 176A.510, ~~[as]~~ if applicable . ~~[, and the recommendation, if any, of the Chief Parole and Probation Officer.]~~ Upon determining that the probationer has violated a condition of probation, the court shall, if practicable, order the probationer to make restitution for any necessary expenses incurred by a governmental entity in returning the probationer to the court for violation of the probation. If the court finds that the probationer committed a violation of a condition of probation by committing a new felony or gross misdemeanor, battery which constitutes domestic violence pursuant to NRS 200.485, violation of NRS 484C.110 or 484C.120, crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor, harassment pursuant to NRS 200.571, stalking or aggravated stalking pursuant to NRS 200.575, violation of a stay away order involving a natural person who is the victim of the crime for which the probationer is being supervised, violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 or by absconding, the court may:

(a) Continue or revoke the probation or suspension of sentence;

(b) Order the probationer to a term of residential confinement pursuant to NRS 176A.660;

(c) Order the probationer to undergo a program of regimental discipline pursuant to NRS 176A.780;

(d) Cause the sentence imposed to be executed; or

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

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

(a) Continue the probation or suspension of sentence;

(b) Order the probationer to a term of residential confinement pursuant to NRS 176A.660;

(c) Temporarily revoke the probation or suspension of sentence and impose a term of imprisonment of not more than:

(1) Thirty days for the first temporary revocation;

(2) Ninety days for the second temporary revocation; or

(3) One hundred and eighty days for the third temporary revocation; or

(d) Fully revoke the probation or suspension of sentence and impose imprisonment for the remainder of the sentence for a fourth or subsequent revocation.

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

(a) Continue probation and modify the terms and conditions of probation;

or

(b) Fully or temporarily revoke probation in accordance with the provisions of subsection 2.

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

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

5. As used in this section:

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

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

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

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

Sec. 16. NRS 176A.660 is hereby amended to read as follows:

176A.660 1. ~~1. If~~ *Except as otherwise provided in subsection 4, if* a person who has been placed on probation violates a condition of probation, the court may order the person to a term of residential confinement in lieu of causing the sentence imposed to be executed. In making this determination, the court shall consider the criminal record of the person and the seriousness of the crime committed.

2. In ordering the person to a term of residential confinement, the court shall:

(a) Direct that the person be placed under the supervision of the Division and require:

(1) The person to be confined to the person's residence during the time the person is away from any employment, community service or other activity authorized by the Division; and

(2) ~~[Intensive]~~ *Enhanced* supervision of the person, including, without limitation, unannounced visits to the person's residence or other locations where the person is expected to be in order to determine whether the person is complying with the terms of confinement; or

(b) If the person was placed on probation for a felony conviction, direct that the person be placed under the supervision of the Department of Corrections and require the person to be confined to a facility or institution of the Department for a period not to exceed 6 months. The Department may select the facility or institution in which to place the person.

3. An electronic device approved by the Division may be used to supervise a person ordered to a term of residential confinement. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the person's location, including, but not limited to, the transmission of still visual images which do not concern the person's activities, and producing, upon request, reports or records of the person's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the person's activities,

↪ must not be used.

4. The court shall not order a person to a term of residential confinement unless the person agrees to the order.

5. A term of residential confinement may not be longer than the unexpired maximum term of a sentence imposed by the court.

6. As used in this section:

(a) "Facility" has the meaning ascribed to it in NRS 209.065.

(b) "Institution" has the meaning ascribed to it in NRS 209.071.

Sec. 17. NRS 4.3762 is hereby amended to read as follows:

4.3762 1. Except as otherwise provided in subsection 7, in lieu of imposing any punishment other than a minimum sentence required by statute, a justice of the peace may sentence a person convicted of a misdemeanor to a term of residential confinement. In making this determination, the justice of the peace shall consider the criminal record of the convicted person and the seriousness of the crime committed.

2. In sentencing a convicted person to a term of residential confinement, the justice of the peace shall:

(a) Require the convicted person to be confined to his or her residence during the time the convicted person is away from his or her employment, public service or other activity authorized by the justice of the peace; and

(b) Require ~~[intensive]~~ *enhanced* supervision of the convicted person, including, without limitation, electronic surveillance and unannounced visits to his or her residence or other locations where the convicted person is expected to be to determine whether the convicted person is complying with the terms of his or her sentence.

3. In sentencing a convicted person to a term of residential confinement, the justice of the peace may, when the circumstances warrant, require the convicted person to submit to:

(a) A search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(b) Periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.

4. Except as otherwise provided in subsection 5, an electronic device may be used to supervise a convicted person sentenced to a term of residential confinement. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the location of the person, including, but not limited to, the transmission of still visual images which do not concern the activities of the person, and producing, upon request, reports or records of the person's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the activities of the person,

↪ must not be used.

5. An electronic device must be used in the manner set forth in subsection 4 to supervise a person who is sentenced pursuant to paragraph (b) of subsection 1 of NRS 484C.400 for a second violation within 7 years of driving under the influence of intoxicating liquor or a controlled substance.

6. A term of residential confinement, together with the term of any minimum sentence required by statute, may not exceed the maximum sentence which otherwise could have been imposed for the offense.

7. The justice of the peace shall not sentence a person convicted of committing a battery which constitutes domestic violence pursuant to NRS 33.018 to a term of residential confinement in lieu of imprisonment unless the justice of the peace makes a finding that the person is not likely to pose a threat to the victim of the battery.

8. The justice of the peace may issue a warrant for the arrest of a convicted person who violates or fails to fulfill a condition of residential confinement.

Sec. 18. NRS 5.076 is hereby amended to read as follows:

5.076 1. Except as otherwise provided in subsection 7, in lieu of imposing any punishment other than a minimum sentence required by statute, a municipal judge may sentence a person convicted of a misdemeanor to a term

of residential confinement. In making this determination, the municipal judge shall consider the criminal record of the convicted person and the seriousness of the crime committed.

2. In sentencing a convicted person to a term of residential confinement, the municipal judge shall:

(a) Require the convicted person to be confined to his or her residence during the time the convicted person is away from his or her employment, public service or other activity authorized by the municipal judge; and

(b) Require ~~[intensive]~~ *enhanced* supervision of the convicted person, including, without limitation, electronic surveillance and unannounced visits to his or her residence or other locations where the convicted person is expected to be in order to determine whether the convicted person is complying with the terms of his or her sentence.

3. In sentencing a convicted person to a term of residential confinement, the municipal judge may, when the circumstances warrant, require the convicted person to submit to:

(a) A search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(b) Periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.

4. Except as otherwise provided in subsection 5, an electronic device may be used to supervise a convicted person sentenced to a term of residential confinement. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the location of the person, including, but not limited to, the transmission of still visual images which do not concern the activities of the person, and producing, upon request, reports or records of the person's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the activities of the person,

➔ must not be used.

5. An electronic device must be used in the manner set forth in subsection 4 to supervise a person who is sentenced pursuant to paragraph (b) of subsection 1 of NRS 484C.400 for a second violation within 7 years of driving under the influence of intoxicating liquor or a controlled substance.

6. A term of residential confinement, together with the term of any minimum sentence required by statute, may not exceed the maximum sentence which otherwise could have been imposed for the offense.

7. The municipal judge shall not sentence a person convicted of committing a battery which constitutes domestic violence pursuant to NRS 33.018 to a term of residential confinement in lieu of imprisonment

unless the municipal judge makes a finding that the person is not likely to pose a threat to the victim of the battery.

8. The municipal judge may issue a warrant for the arrest of a convicted person who violates or fails to fulfill a condition of residential confinement.

Sec. 19. NRS 205.312 is hereby amended to read as follows:

205.312 1. Whenever any person who has leased or rented a vehicle willfully and intentionally fails to return the vehicle to its owner within 72 hours after the lease or rental agreement has expired, that person may reasonably be inferred to have embezzled the vehicle.

2. *A person who is convicted of embezzling a vehicle pursuant to subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130.*

3. *In addition to any other penalty, the court shall order the person to pay restitution.*

Sec. 20. NRS 209.432 is hereby amended to read as follows:

209.432 As used in NRS 209.432 to 209.453, inclusive, unless the context otherwise requires:

1. "Offender" includes:

(a) A person who is convicted of a felony under the laws of this State and sentenced, ordered or otherwise assigned to serve a term of residential confinement.

(b) A person who is convicted of a felony under the laws of this State and assigned to the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888.

2. "Residential confinement" means the confinement of a person convicted of a felony to his or her place of residence under the terms and conditions established pursuant to specific statute. The term does not include any confinement ordered pursuant to NRS ~~176A.530~~ 176A.540 to 176A.560, inclusive, 176A.660 to 176A.690, inclusive, 213.15105, 213.15193 or 213.152 to 213.1528, inclusive.

Sec. 21. Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

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

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

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

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

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

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

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

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

7. *As used in this section:*

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

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

(1) *New felony or gross misdemeanor;*

(2) *Battery which constitutes domestic violence pursuant to NRS 200.485;*

(3) *Violation of NRS 484C.110 or 484C.120;*

(4) *Crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor;*

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

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

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

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

Sec. 22. *NRS 213.107 is hereby amended to read as follows:*

213.107 *As used in NRS 213.107 to 213.157, inclusive, and section 21 of*

this act, unless the context otherwise requires:

1. "Board" means the State Board of Parole Commissioners.
2. "Chief" means the Chief Parole and Probation Officer.
3. "Division" means the Division of Parole and Probation of the Department of Public Safety.
4. "Residential confinement" means the confinement of a person convicted of a crime to his or her place of residence under the terms and conditions established by the Board.
5. "Responsivity factors" means characteristics of a person that affect his or her ability to respond favorably or unfavorably to any treatment goals.
6. "Risk and needs assessment" means a validated, standardized actuarial tool that identifies risk factors that increase the likelihood of a person reoffending and factors that, when properly addressed, can reduce the likelihood of a person reoffending.
7. "Sex offender" means any person who has been or is convicted of a sexual offense.
8. "Sexual offense" means:
 - (a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;
 - (b) An attempt to commit any offense listed in paragraph (a); or
 - (c) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.
9. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief.

Sec. 23. NRS 213.1078 is hereby amended to read as follows:

213.1078 1. Except as otherwise provided in ~~{subsections}~~ subsection 3, ~~{and 5,}~~ the Division shall administer a risk and needs assessment to each ~~{probationer and}~~ parolee under the Division's supervision. The results of the risk and needs assessment must be used to set a level of supervision for each ~~{probationer and}~~ parolee and to develop individualized case plans pursuant to subsection ~~{6.}~~ 4. The risk and needs assessment must be administered and scored by a person trained in the administration of the tool.

2. ~~{Except as otherwise provided in subsection 3, on a schedule determined by the Nevada Risk Assessment System, or its successor risk assessment tool, or more often if necessary, the Division shall administer a subsequent risk and needs assessment to each probationer. The results of the risk and needs assessment conducted in accordance with this section must be used to determine whether a change in the level of supervision is necessary. The Division shall document the reasons for maintaining or changing the level of supervision. If the Division changes the level of supervision, the Division shall notify the probationer of the change.}~~

~~3. The provisions of subsections 1 and 2 are not applicable if:~~

~~(a) The level of supervision for the probationer is set by the court or by law;~~

~~or~~

~~(b) The probationer is ordered to participate in a program of probation secured by a security bond pursuant to NRS 176A.300 to 176A.370, inclusive.~~

~~4.] Except as otherwise provided in subsection [5,] 3, on a schedule determined by the Nevada Risk Assessment System, or its successor risk assessment tool, or more often if necessary, the Division shall administer a subsequent risk and needs assessment to each parolee. The results of the risk and needs assessment conducted in accordance with this subsection must be used to determine whether a change in the level of supervision is necessary. The Division shall document the reasons for maintaining or changing the level of supervision. If the Division changes the level of supervision, the Division shall notify the parolee of the change.~~

~~[5.] 3. The provisions of subsections 1 and [4] 2 are not applicable if the level of supervision for the parolee is set by the Board or by law.~~

~~[6.] 4. The Division shall develop an individualized case plan for each [probationer and] parolee. The case plan must include a plan for addressing the criminogenic risk factors identified on the risk and needs assessment, if applicable, and the list of responsivity factors that will need to be considered and addressed for each [probationer or] parolee.~~

~~[7. Upon a finding that a term or condition of probation ordered pursuant to subsection 1 of NRS 176A.400 or the level of supervision set pursuant to this section does not align with the results of a risk and needs assessment administered pursuant to subsection 1 or 2, the supervising officer shall seek a modification of the terms and conditions from the court pursuant to subsection 1 of NRS 176A.450.~~

~~8.] 5. Upon a finding that a condition of parole or the level of parole supervision set pursuant to this section does not align with the results of a risk and needs assessment administered pursuant to subsection 1 or [4,] 2, the supervising officer shall submit a request to the Board to modify the condition or level of supervision set by the Board. The Division shall provide written notification to the parolee of any modification.~~

~~[9.] 6. The risk and needs assessment required under this section must undergo periodic validation studies in accordance with the timeline established by the developer of the assessment. The Division shall establish quality assurance procedures to ensure proper and consistent scoring of the risk and needs assessment.~~

Sec. 24. NRS 213.1215 is hereby amended to read as follows:

213.1215 1. Except as otherwise provided in this section and in cases where a consecutive sentence is still to be served, if a prisoner sentenced to imprisonment for a term of 3 years or more:

(a) Has not been released on parole previously for that sentence; and

(b) Is not otherwise ineligible for parole,

↪ the prisoner must be released on parole 12 months before the end of his or her maximum term or maximum aggregate term, as applicable, as reduced by any credits the prisoner has earned to reduce his or her sentence pursuant to chapter 209 of NRS.

2. Except as otherwise provided in this section, a prisoner who was sentenced to life imprisonment with the possibility of parole and who was less than 16 years of age at the time that the prisoner committed the offense for which the prisoner was imprisoned must, if the prisoner still has a consecutive sentence to be served, be granted parole from his or her current term of imprisonment to his or her subsequent term of imprisonment or must, if the prisoner does not still have a consecutive sentence to be served, be released on parole, if:

(a) The prisoner has served the minimum term or the minimum aggregate term of imprisonment imposed by the court, as applicable;

(b) The prisoner has completed a program of general education or an industrial or vocational training program;

(c) The prisoner has not been identified as a member of a group that poses a security threat pursuant to the procedures for identifying security threats established by the Department of Corrections; and

(d) The prisoner has not, within the immediately preceding 24 months:

(1) Committed a major violation of the regulations of the Department of Corrections; or

(2) Been housed in disciplinary segregation.

3. If a prisoner who meets the criteria set forth in subsection 2 is determined to be a high risk to reoffend in a sexual manner pursuant to NRS 213.1214, the Board is not required to release the prisoner on parole pursuant to this section. If the prisoner is not granted parole, a rehearing date must be scheduled pursuant to NRS 213.142.

4. The Board shall prescribe any conditions necessary for the orderly conduct of the parolee upon his or her release.

5. Each parolee so released must be supervised closely by the Division, in accordance with the plan for *enhanced* supervision developed by the Chief pursuant to NRS 213.122.

6. If a prisoner meets the criteria set forth in subsection 1 and there are no current requests for notification of hearings made in accordance with subsection 4 of NRS 213.131 or, if the Board is not required to provide notification of hearings pursuant to NRS 213.10915, the Board has not been notified by the automated victim notification system that a victim of the prisoner has registered with the system to receive notification of hearings, the Board may grant parole to the prisoner without a meeting. If the Board finds that there is a reasonable probability that a prisoner considered for release on parole pursuant to subsection 1 will be a danger to public safety while on parole, the Board may require the prisoner to serve the balance of his or her sentence and not grant the parole. If, pursuant to this subsection, the Board

does not grant the parole provided for in subsection 1, the Board shall provide to the prisoner a written statement of its reasons for denying parole.

7. If the Board finds that there is a reasonable probability that a prisoner considered for release on parole pursuant to subsection 2 will be a danger to public safety while on parole, the Board is not required to grant the parole and shall schedule a rehearing pursuant to NRS 213.142. Except as otherwise provided in subsection 3 of NRS 213.1519, if a prisoner is not granted parole pursuant to this subsection, the criteria set forth in subsection 2 must be applied at each subsequent hearing until the prisoner is granted parole or expires his or her sentence. If, pursuant to this subsection, the Board does not grant the parole provided for in subsection 2, the Board shall provide to the prisoner a written statement of its reasons for denying parole, along with specific recommendations of the Board, if any, to improve the possibility of granting parole the next time the prisoner may be considered for parole.

8. If the prisoner is the subject of a lawful request from another law enforcement agency that the prisoner be held or detained for release to that agency, the prisoner must not be released on parole, but released to that agency.

9. If the Division has not completed its establishment of a program for the prisoner's activities during his or her parole pursuant to this section, the prisoner must be released on parole as soon as practicable after the prisoner's program is established.

10. For the purposes of this section, the determination of the 12-month period before the end of a prisoner's term must be calculated without consideration of any credits the prisoner may have earned to reduce his or her sentence had the prisoner not been paroled.

Sec. 25. NRS 213.122 is hereby amended to read as follows:

213.122 The Chief shall develop a statewide plan for the ~~{strict}~~ *enhanced* supervision of parolees released pursuant to NRS 213.1215. In addition to such other provisions as the Chief deems appropriate, the plan must provide for the supervision of such parolees by assistant parole and probation officers whose caseload allows for enhanced supervision of the parolees under their charge unless, because of the remoteness of the community to which the parolee is released, enhanced supervision is impractical.

Sec. 26. NRS 213.124 is hereby amended to read as follows:

213.124 1. Upon the granting of parole to a prisoner, the Board may require the parolee to submit to a program of ~~{intensive}~~ *enhanced* supervision as a condition of his or her parole.

2. The Chief shall develop a program for the ~~{intensive}~~ *enhanced* supervision of parolees required to submit to such a program pursuant to subsection 1. The program must include an initial period of electronic supervision of the parolee with an electronic device approved by the Division. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the parolee's location, including, but not limited to, the

transmission of still visual images which do not concern the parolee's activities, and producing, upon request, reports or records of the parolee's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

- (a) Oral or wire communications or any auditory sound; or
- (b) Information concerning the parolee's activities,

➡ must not be used.

Sec. 27. NRS 213.150 is hereby amended to read as follows:

213.150 The Board may:

1. Make and enforce regulations covering the conduct of paroled prisoners.

2. Retake or cause to be retaken and imprisoned any prisoner so upon parole, subject to the procedures prescribed in NRS 213.151 to 213.1519, inclusive ~~[]~~, and section 21 of this act.

Sec. 28. NRS 213.15193 is hereby amended to read as follows:

213.15193 1. Except as otherwise provided in ~~[subsection]~~ subsections 4 and 6, the Chief may order the residential confinement of a parolee if the Chief believes that the parolee does not pose a danger to the community and will appear at a scheduled ~~[inquiry or]~~ hearing.

2. In ordering the residential confinement of a parolee, the Chief shall:

(a) Require the parolee to be confined to his or her residence during the time the parolee is away from his or her employment, community service or other activity authorized by the Division; and

(b) Require ~~[intensive]~~ enhanced supervision of the parolee, including, without limitation, unannounced visits to his or her residence or other locations where the parolee is expected to be to determine whether the parolee is complying with the terms of his or her confinement.

3. An electronic device approved by the Division may be used to supervise a parolee who is ordered to be placed in residential confinement. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the location of the parolee, including, without limitation, the transmission of still visual images which do not concern the activities of the parolee, and producing, upon request, reports or records of the parolee's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

- (a) Oral or wire communications or any auditory sound; or
- (b) Information concerning the activities of the parolee,

➡ must not be used.

4. The Chief shall not order a parolee to be placed in residential confinement unless the parolee agrees to the order.

5. Any residential confinement must not extend beyond the unexpired maximum term of the original sentence of the parolee.

6. The Chief shall not order a parolee who is serving a sentence for committing a battery which constitutes domestic violence pursuant to NRS 33.018 to be placed in residential confinement unless the Chief makes a finding that the parolee is not likely to pose a threat to the victim of the battery.

Sec. 29. NRS 213.152 is hereby amended to read as follows:

213.152 1. Except as otherwise provided in ~~[subsection]~~ subsections 5 and 7, if a parolee violates a condition of his or her parole, the Board may order the parolee to a term of residential confinement in lieu of suspending his or her parole and returning the parolee to confinement. In making this determination, the Board shall consider the criminal record of the parolee and the seriousness of the crime committed.

2. In ordering the parolee to a term of residential confinement, the Board shall:

(a) Require:

(1) The parolee to be confined to his or her residence during the time the parolee is away from his or her employment, community service or other activity authorized by the Division; and

(2) ~~[Intensive]~~ Enhanced supervision of the parolee, including, without limitation, unannounced visits to his or her residence or other locations where the parolee is expected to be in order to determine whether the parolee is complying with the terms of his or her confinement; or

(b) Require the parolee to be confined to a facility or institution of the Department of Corrections for a period not to exceed 6 months. The Department may select the facility or institution in which to place the parolee.

3. An electronic device approved by the Division may be used to supervise a parolee ordered to a term of residential confinement. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the location of the parolee, including, but not limited to, the transmission of still visual images which do not concern the activities of the parolee, and producing, upon request, reports or records of the parolee's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the activities of the parolee,

↪ must not be used.

4. A parolee who is confined to a facility or institution of the Department of Corrections pursuant to paragraph (b) of subsection 2:

(a) May earn credits to reduce his or her sentence pursuant to chapter 209 of NRS; and

(b) Shall not be deemed to be released on parole for purposes of NRS 209.447 or 209.4475 during the period of that confinement.

5. The Board shall not order a parolee to a term of residential confinement unless the parolee agrees to the order.

6. A term of residential confinement may not be longer than the unexpired maximum term of the original sentence of the parolee.

7. The Board shall not order a parolee who is serving a sentence for committing a battery which constitutes domestic violence pursuant to NRS 33.018 to a term of residential confinement unless the Board makes a finding that the parolee is not likely to pose a threat to the victim of the battery.

8. As used in this section:

(a) "Facility" has the meaning ascribed to it in NRS 209.065.

(b) "Institution" has the meaning ascribed to it in NRS 209.071.

Sec. 30. NRS 213.1528 is hereby amended to read as follows:

213.1528 The Board shall establish procedures to administer a program of *enhanced* supervision for parolees who are ordered to a term of residential confinement pursuant to NRS 213.152.

Sec. 31. NRS 213.380 is hereby amended to read as follows:

213.380 1. The Division shall establish procedures for the residential confinement of offenders.

2. The Division may establish, and at any time modify, the terms and conditions of the residential confinement, except that the Division shall:

(a) Require the offender to participate in regular sessions of education, counseling and any other necessary or desirable treatment in the community, unless the offender is assigned to the custody of the Division pursuant to NRS 209.3923 or 209.3925;

(b) Require the offender to be confined to his or her residence during the time the offender is not:

(1) Engaged in employment or an activity listed in paragraph (a) that is authorized by the Division;

(2) Receiving medical treatment that is authorized by the Division; or

(3) Engaged in any other activity that is authorized by the Division; and

(c) Require ~~intensive~~ *enhanced* supervision of the offender, including unannounced visits to his or her residence or other locations where the offender is expected to be in order to determine whether the offender is complying with the terms and conditions of his or her confinement.

3. An electronic device approved by the Division may be used to supervise an offender. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the offender's location, including, but not limited to, the transmission of still visual images which do not concern the offender's activities, and producing, upon request, reports or records of the offender's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the offender's activities,

→ must not be used.

Sec. 31.5. NRS 228.177 is hereby amended to read as follows:

228.177 1. As used in this section ~~["county"]~~ :

(a) *"City officer or employee" means an elected officer of a city or any city officer or employee who is compensated from a city treasury.*

(b) *"County officer or employee" means an elected officer of a county or any county officer or employee who is compensated from a county treasury.*

2. The Attorney General may investigate and prosecute any criminal offense committed by a county officer or employee *or a city officer or employee* in the course of his or her duties or arising out of circumstances related to his or her position, if:

(a) The district attorney of the county *or the city attorney, as applicable*, has stated in writing to the Attorney General that he or she does not intend to act in the matter; or

(b) The Attorney General has inquired in writing of the district attorney *or the city attorney, as applicable*, whether he or she intends to act in the matter and:

(1) The Attorney General has not received a written response within 30 days after the district attorney *or the city attorney, as applicable*, received the inquiry; or

(2) The district attorney *or the city attorney, as applicable*, responds in writing that he or she intends to act in the matter, but an ~~information or~~ indictment *is not found or an information or complaint* is not filed , *as applicable*, within 90 days after the response.

3. When he or she is acting pursuant to this section, the Attorney General may commence his or her investigation and file a criminal action with leave of court, and the Attorney General has exclusive charge of the conduct of the prosecution.

4. An ~~information or~~ indictment , *information or complaint* may not be dismissed on the ground that the district attorney *or the city attorney, as applicable*, or the Attorney General has not complied with this section.

Sec. 32. NRS 453.336 is hereby amended to read as follows:

453.336 1. Except as otherwise provided in subsection ~~{5,}~~ 6, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3 , ~~and~~ 4 and 5 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385 or 453.339, a person who violates this section:

(a) For a first or second offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity

possessed is less than 28 grams, is guilty of possession of a controlled substance and shall be punished for a category E felony as provided in NRS 193.130. In accordance with NRS 176.211, the court shall defer judgment upon the consent of the person.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, is guilty of possession of a controlled substance and shall be punished for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than \$20,000.

(c) If the controlled substance is listed in schedule I or II and the quantity possessed is 14 grams or more, but less than 28 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 28 grams or more, but less than 200 grams, is guilty of low-level possession of a controlled substance and shall be punished for a category C felony as provided in NRS 193.130.

(d) If the controlled substance is listed in schedule I or II and the quantity possessed is 28 grams or more, but less than 42 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 200 grams or more, is guilty of mid-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and by a fine of not more than \$50,000.

(e) If the controlled substance is listed in schedule I or II and the quantity possessed is 42 grams or more, but less than 100 grams, is guilty of high-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than \$50,000.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana:

(a) For the first offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than \$600; or

(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 176A.230 if the court determines that the person is eligible to participate in such a program.

(b) For the second offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than \$1,000; or

(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 176A.230 if the court determines that the person is eligible to participate in such a program.

(c) For the third offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.

(d) For a fourth or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. *Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of more than 1 ounce, but less than 50 pounds, of marijuana or more than one-eighth of an ounce, but less than one pound, of concentrated cannabis is guilty of a category E felony and shall be punished as provided in NRS 193.130.*

6. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.

~~{6.}~~ 7. The court may grant probation to or suspend the sentence of a person convicted of violating this section.

~~{7.}~~ 8. As used in this section:

(a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(b) "Marijuana" does not include concentrated cannabis.

(c) "Sterile hypodermic device program" has the meaning ascribed to it in NRS 439.986.

Sec. 32.5. 1. There is hereby appropriated from the State General Fund to the Department of Sentencing Policy for personnel costs related to data management the following sums:

For the Fiscal Year 2021-2022..... \$75,345

For the Fiscal Year 2022-2023..... \$96,987

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2022, and September 15, 2023, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2022, and September 15, 2023, respectively.

Sec. 33. The amendatory provisions of:

1. Sections 19 and 32 of this act apply to an offense committed:

(a) On or after July 1, 2021; and

(b) Before July 1, 2021, if the person is sentenced on or after July 1, 2021.

2. Section 31.5 of this act apply to an offense committed:

(a) On or after the effective date of section 31.5 of this act; and

(b) Before the effective date of section 31.5 of this act if the applicable statute of limitations has commenced but has not yet expired on the effective date of section 31.5 of this act.

Sec. 34. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 35. NRS 176A.530, 176A.580, 176A.590, 176A.600, 176A.610 and 213.10988 are hereby repealed.

Sec. 36. 1. This section and sections 1, 2, 4 to 6.5, inclusive, 31.5, 33 and 34 of this act become effective upon passage and approval.

2. Sections 3, 7 to 31, inclusive, 32, 32.5 and 35 of this act become effective on July 1, 2021.

LEADLINES OF REPEALED SECTIONS

176A.530 Authority of Chief Parole and Probation Officer to order.

176A.580 Inquiry required before alleged violation considered by court; qualifications of inquiring officer; time and place of inquiry; exceptions; subpoenas.

176A.590 Enforcement of subpoena issued by inquiring officer; contempt.

176A.600 Notice to probationer; rights of probationer at inquiry.

176A.610 Duties of inquiring officer; determination; detention or residential confinement of probationer upon finding probable cause.

213.10988 Chief to adopt standards for recommendations regarding parole or probation.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Senate Amendment No. 851 to Assembly Bill No. 393 revises subsection 5 of section 8 to reflect that the supervising officer shall notify the court of the finding, and the court may modify the terms and conditions of probation pursuant to subsection 1 of NRS 176A.450.

Amendment adopted.

Bill read third time.

Remarks by Senator Kieckhefer.

Assembly Bill No. 393 requires the Executive Director of the Department of Sentencing Policy to assist the Nevada Sentencing Commission in carrying out certain duties. It revises provisions, including, but not limited to, certain reports prepared by the Commission: reports of presentence investigation, parolees and probationers and the embezzlement of a vehicle and certain marijuana-related offenses.

Additionally, the bill repeals provisions requiring the Chief Parole and Probation Officer of the Division of Parole and Probation to adopt standards to assist in formulating a recommendation concerning granting of probation or the revocation of parole or probation.

Finally, Assembly Bill No. 393 makes General Fund appropriations of \$75,345 in Fiscal Year 2022 and \$96,987 in Fiscal Year 2023 to the Department of Sentencing Policy for personnel costs related to data management.

Roll call on Assembly Bill No. 393:

YEAS—21.

NAYS—None.

Assembly Bill No. 393 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 427.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 427 revises various provisions relating to driving under the influence of alcohol or a prohibited substance. The bill revises provisions concerning the issuance of a restricted driver's license and revises provisions concerning the revocation and suspension of a person's license, permit or privilege upon the conviction of certain offenses. It requires the Director of the Department of Public Safety to establish the Ignition Interlock Program. It removes the requirement that a police officer seize the driver's license or permit of a person who fails to submit to a preliminary breath test to determine the concentration of alcohol in the driver's breath. It allows the court to place an offender under a system of active electronic-monitoring as part of a program of treatment.

The bill revises the Nevada 24/7 Sobriety and Drug Monitoring Program. It authorizes a person who commits a first violation of driving under the influence of alcohol or a prohibited substance within seven years be sentenced to residential confinement in lieu of imprisonment. It authorizes the court to order a person to attend a program of treatment for an alcohol-or other substance-use disorder for certain offenses. The bill authorizes the court to dismiss the charges with conditions against a defendant who is in a program for the treatment of veterans and for a member of the military upon his or her fulfillment of the terms and conditions of the program. It authorizes the court to conditionally dismiss the charges or set aside the judgment of conviction against a defendant who was charged with certain violations upon the defendant's fulfillment of the terms and conditions of the program and seal the records not sooner than seven years after the charges are conditionally dismissed or the judgment of conviction is set aside.

Finally, it provides provisions of law that prohibit a person who was convicted of a violation of driving under the influence of alcohol or a prohibited substance that is punishable as a felony from being able to petition the court to seal the records relating to such a conviction must not be construed to preclude certain persons from petitioning the court for the sealing of records.

Roll call on Assembly Bill No. 427:

YEAS—18.

NAYS—Hardy, Seevers Gansert, Settelmeyer—3.

Assembly Bill No. 427 having received a two-thirds majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 443.

Bill read third time.

Remarks by Senator Hammond.

Assembly Bill No. 443 provides for the creation of Joint Interim Standing Committees of the Legislature. It specifies the powers and duties of the Joint Interim Standing Committees. It repeals various statutory committees, the Advisory Commission on the Administration of Justice and the

subcommittee of the Advisory Commission. It reassigns certain powers and duties of repealed statutory committees and the Advisory Commission to the Joint Interim Standing Committees. The bill makes various other changes relating to legislative activity during the interim between regular Sessions of the Legislature. It also requires the Commission to Study Governmental Purchasing to submit a biennial report to the Joint Interim Standing Committee on Legislative Operations and Elections. Assembly Bill No. 443 includes General Fund appropriations of \$35,000 over the 2021-2023 Biennium to support costs of interim work of the Legislature.

Roll call on Assembly Bill No. 443:

YEAS—18.

NAYS—Buck, Hardy, Settelmeyer—3.

Assembly Bill No. 443 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Assembly Bills Nos. 219, 241, 280, 349, 387, 441, 492, 355 be taken from the General File and placed at the top of the General File on the next Agenda.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 219.

The following Assembly amendment was read:

Amendment No. 790.

SENATOR CANNIZZARO JOINT SPONSOR: ASSEMBLYWOMAN GONZÁLEZ

SUMMARY—Revises provisions relating to offenses. (BDR 14-249)

AN ACT relating to offenses; revising provisions relating to the collection of delinquent fines, administrative assessments, fees and restitution; revising provisions relating to the suspension of the driver's license of a person; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a court to suspend the driver's license of a defendant or to prohibit a defendant from applying for a driver's license for a specified period, if the court determines that: (1) the defendant has the ability to pay a delinquent fine, administrative assessment, fee or restitution, but is willfully avoiding payment; or (2) the defendant was given the opportunity to perform community service to satisfy the amount due because the defendant is indigent and the defendant has failed to perform such community service. (NRS 176.064) Section 1 of this bill removes the authority of the court to suspend the driver's license of a defendant or prohibit a defendant from applying for a driver's license for a specified period as the result of any delinquent fine, administrative assessment, fee or restitution owed. Sections 2 and 3 of this bill make conforming changes that are necessary because of the changes in section 1. Section 4 of this bill provides that if, on October 1, 2021, the effective date of this bill, a person is subject to a suspension of his or her driver's license or a delay in the issuance of a driver's license imposed for

failure to pay a delinquent fine, administrative assessment, fee or restitution, then the Department of Motor Vehicles must: (1) immediately reinstate the driver's license of the person or the ability of the person to apply for the issuance of a driver's license; and (2) notify the person, as soon as possible, of the reinstatement of his or her driver's license or ability to apply for the issuance of a driver's license. Section 3.5 of this bill makes an appropriation to the Department for the costs of providing such notification. Section 4 also provides that the Department may not charge any fee for the reinstatement of a driver's license or require a person to undergo any physical or mental examination to be eligible for reinstatement of a driver's license.

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

Section 1. NRS 176.064 is hereby amended to read as follows:

176.064 1. If a fine, administrative assessment, fee or restitution is imposed upon a defendant pursuant to this chapter, whether or not the fine, administrative assessment, fee or restitution is in addition to any other punishment, and the fine, administrative assessment, fee or restitution or any part of it remains unpaid after the time established by the court for its payment, the defendant is liable for a collection fee, to be imposed by the court at the time it finds that the fine, administrative assessment, fee or restitution is delinquent, of:

(a) Not more than \$100, if the amount of the delinquency is less than \$2,000.

(b) Not more than \$500, if the amount of the delinquency is \$2,000 or greater, but is less than \$5,000.

(c) Ten percent of the amount of the delinquency, if the amount of the delinquency is \$5,000 or greater.

2. A state or local entity that is responsible for collecting a delinquent fine, administrative assessment, fee or restitution may, in addition to attempting to collect the fine, administrative assessment, fee or restitution through any other lawful means, take the following actions:

(a) Request that the court take appropriate action pursuant to subsection 3.

(b) If the defendant has been found guilty of the offense for which the fine, administrative assessment, fee or restitution was imposed, contract with a collection agency licensed pursuant to NRS 649.075 to collect the delinquent amount and the collection fee. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection 1, in accordance with the provisions of the contract.

3. The court may, on its own motion or at the request of a state or local entity that is responsible for collecting the delinquent fine, administrative assessment, fee or restitution, take the following actions:

(a) Enter a civil judgment for the amount due in favor of the state or local entity that is responsible for collecting the delinquent fine, administrative assessment, fee or restitution. A civil judgment entered pursuant to this

paragraph may be enforced and renewed in the manner provided by law for the enforcement and renewal of a judgment for money rendered in a civil action. If the court has entered a civil judgment pursuant to this paragraph and the person against whom the judgment is entered is not indigent and has not satisfied the judgment within the time established by the court, the person may be dealt with as for contempt of court.

~~(b) If the court determines that the defendant has the ability to pay the amount due and is willfully avoiding payment, or if the defendant was given the opportunity to perform community service to satisfy the amount due because the defendant is indigent and the defendant has failed to perform such community service, order the suspension of the driver's license of the defendant. If the defendant does not possess a driver's license, the court may prohibit the defendant from applying for a driver's license for a specified period. If the defendant is already the subject of a court order suspending or delaying the issuance of the defendant's driver's license, the court may order the additional suspension or delay, as appropriate, to apply consecutively with the previous order. At the time the court issues an order suspending the driver's license of a defendant pursuant to this paragraph, the court shall require the defendant to surrender to the court all driver's licenses then held by the defendant. The court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles the licenses, together with a copy of the order. At the time the court issues an order pursuant to this paragraph delaying the ability of a defendant to apply for a driver's license, the court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order. The Department of Motor Vehicles shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the defendant's driving record, but such a suspension must not be considered for the purpose of rating or underwriting.~~

~~—(c) If the court determines that the defendant has the ability to pay the amount due and is willfully avoiding payment, order the confinement of the defendant in the appropriate prison, jail or detention facility, as provided in NRS 176.065 and 176.075.~~

4. Money collected from a collection fee imposed pursuant to subsection 1 must be distributed in the following manner:

(a) Except as otherwise provided in paragraph (d), if the money is collected by or on behalf of a municipal court, the money must be deposited in a special fund in the appropriate city treasury. The city may use the money in the fund only to develop and implement a program for the collection of fines, administrative assessments, fees and restitution and to hire additional personnel necessary for the success of such a program.

(b) Except as otherwise provided in paragraph (d), if the money is collected by or on behalf of a justice court or district court, the money must be deposited in a special fund in the appropriate county treasury. The county may use the money in the special fund only to:

(1) Develop and implement a program for the collection of fines, administrative assessments, fees and restitution and to hire additional personnel necessary for the success of such a program; or

(2) Improve the operations of a court by providing funding for:

(I) A civil law self-help center; or

(II) Court security personnel and equipment for a regional justice center that includes the justice courts of that county.

(c) Except as otherwise provided in paragraph (d), if the money is collected by a state entity, the money must be deposited in an account, which is hereby created in the State Treasury. The Court Administrator may use the money in the account only to develop and implement a program for the collection of fines, administrative assessments, fees and restitution in this State and to hire additional personnel necessary for the success of such a program.

(d) If the money is collected by a collection agency, after the collection agency has been paid its fee pursuant to the terms of the contract, any remaining money must be deposited in the state, city or county treasury, whichever is appropriate, to be used only for the purposes set forth in paragraph (a), (b) or (c) of this subsection.

5. Any collection fee imposed pursuant to subsection 1 must be assessed on a per case basis and not on a per charge basis. The provisions of this subsection must not be construed to apply to any credit card processing fees that are assessed solely for the purpose of recouping any costs incurred to process a credit card payment. As used in this subsection, "case" means a single complaint, citation, information or indictment naming a single defendant that is based on the same act or transaction or based on two or more acts or transactions connected together or constituting parts of a common scheme or plan.

Sec. 2. NRS 483.443 is hereby amended to read as follows:

483.443 1. The Department shall, upon receiving notification from a district attorney or other public agency collecting support for children pursuant to NRS 425.510 that a court has determined that a person:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to establish paternity or to establish or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children,
➡ send a written notice to that person that his or her driver's license is subject to suspension.

2. The notice must include:

(a) The reason for the suspension of the license;

(b) The information set forth in subsections 3, 5 and 6; and

(c) Any other information the Department deems necessary.

3. If a person who receives a notice pursuant to subsection 1 does not, within 30 days after receiving the notice, comply with the subpoena or warrant or satisfy the arrearage as required in NRS 425.510, the Department shall

suspend the license without providing the person with an opportunity for a hearing.

4. The Department shall suspend immediately the license of a defendant if so ordered pursuant to NRS 62B.420 . ~~[or 176.064.]~~

5. The Department shall reinstate the driver's license of a person whose license was suspended pursuant to this section if it receives:

(a) A notice from the district attorney or other public agency pursuant to NRS 425.510 that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to that section ~~[, from a district judge that a delinquency for which the suspension was ordered pursuant to NRS 176.064 has been discharged]~~ or from a judge of the juvenile court that an unsatisfied civil judgment for which the suspension was ordered pursuant to NRS 62B.420 has been satisfied; and

(b) Payment of the fee for reinstatement of a suspended license prescribed in NRS 483.410.

6. The Department shall not require a person whose driver's license was suspended pursuant to this section to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of the reinstatement of the license.

Sec. 3. NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his or her conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

(1) A violation of subsection 9 of NRS 484B.653.

(2) A third or subsequent violation within 7 years of NRS 484C.110 or 484C.120.

(3) A violation of NRS 484C.110 or 484C.120 resulting in a felony conviction pursuant to NRS 484C.400 or 484C.410.

(4) A violation of NRS 484C.430 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430.

➤ The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume when the Department is notified pursuant to NRS 209.517 or 213.12185 that the person has completed the period of imprisonment or that the person has been placed on residential confinement or parole.

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter, including vehicular manslaughter as described in NRS 484B.657, resulting from the driving of a motor vehicle or

felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle crash resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A second violation within 7 years of NRS 484C.110 or 484C.120 and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484B.550.

(c) For a period of not less than 185 days, if the offense is a first violation within 7 years of NRS 484C.110 or 484C.120.

2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484C.110 or 484C.120 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.

3. When the Department is notified by a court that a person who has been convicted of a first violation within 7 years of NRS 484C.110 has been permitted to enter a program of treatment pursuant to NRS 484C.320, the Department shall reduce by one-half the period during which the person is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that the person was not accepted for or failed to complete the treatment.

4. The Department shall revoke the license, permit or privilege to drive of a person who is required to install a device pursuant to NRS 484C.210 or 484C.460 but who operates a motor vehicle without such a device:

(a) For 3 years, if it is his or her first such offense during the period of required use of the device.

(b) For 5 years, if it is his or her second such offense during the period of required use of the device.

5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever applies.

6. In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or delay in the issuance of a license pursuant to title 5 of NRS, NRS ~~176.064,~~ 206.330 or 392.148, chapters 484A to 484E, inclusive, of NRS or any other provision of law, the Department shall take such actions as are necessary to carry out the court's order.

7. As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.

Sec. 3.5. 1. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles the sum of \$14,950 for the costs of providing the notification required by section 4 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 15, 2023.

Sec. 4. 1. If, on October 1, 2021, a person is subject to:

(a) Suspension of his or her driver's license pursuant to paragraph (b) of subsection 3 of NRS 176.064; or

(b) A court order delaying the issuance of a driver's license pursuant to paragraph (b) of subsection 3 of NRS 176.064,

➡ then the Department of Motor Vehicles shall immediately reinstate the driver's license of the person or the ability of the person to apply for the issuance of a driver's license, as applicable, and shall notify the person, as soon as possible, of the reinstatement of his or her driver's license or ability to apply for the issuance of a driver's license.

2. The Department of Motor Vehicles may not:

(a) Charge any fee for the reinstatement of the driver's license of a person in accordance with this section; or

(b) Require a person to undergo any physical or mental examination pursuant to NRS 483.330 or 483.495 to be eligible for reinstatement of his or her driver's license.

Sec. 5. The amendatory provisions of this act apply to offenses committed before, on or after October 1, 2021.

Sec. 6. 1. This section and section 3.5 of this act become effective on July 1, 2021.

2. Sections 1, 2, 3, 4 and 5 of this act become effective on October 1, 2021.

Senator Scheible moved that the Senate concur in Assembly Amendment No. 790 to Senate Bill No. 219.

Remarks by Senator Scheible.

This adds a member of the Assembly as a cosponsor of the bill.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 254.

The following Assembly amendments were read.

Amendment No. 610.

SUMMARY—Revises provisions relating to discrimination in housing.
(BDR 18-38)

AN ACT relating to discriminatory practices; revising various provisions relating to discrimination in housing; providing civil penalties and other remedies for certain violations; authorizing the Nevada Equal Rights Commission to enter into certain agreements with the United States Department of Housing and Urban Development for the Commission to investigate and enforce laws relating to fair housing as a certified agency under federal law; providing that certain conduct relating to seeking an applicant or tenant's arrest record, conviction record or record of criminal history constitutes an unlawful discriminatory practice in housing; ~~providing that discriminating on the basis of source of income constitutes an unlawful discriminatory practice in housing;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Nevada Equal Rights Commission. (NRS 233.030) The Commission is authorized to investigate and conduct hearings concerning acts of prejudice with regard to housing, employment and public accommodation. (NRS 233.150) Existing law also sets forth the Nevada Fair Housing Law to prohibit discrimination in housing. (NRS 118.010-118.120) In addition, the federal Fair Housing Act of 1968, as amended, prohibits discrimination in the sale, rental and financing of dwellings and in other housing related transactions. (42 U.S.C. §§ 3601 et seq.)

Sections 17, 20 and 21 of this bill revise references to the types of discrimination from which persons are protected in Nevada to conform to federal law.

Section 21 of this bill authorizes the Commission to initiate a complaint alleging an unlawful discriminatory practice in housing. Section 23 of this bill requires the Commission to investigate each complaint which alleges an unlawful discriminatory practice in housing and to attempt to resolve the issues raised in the complaint through informal negotiations with the parties. Section 24 of this bill requires the Commission to serve upon an aggrieved person certain information.

Section 14 of this bill establishes new procedures and requirements with respect to investigations and administrative hearings concerning such complaints. Following the Commission's investigation of a complaint, if the Administrator of the Commission determines that probable cause exists to believe that an unlawful discriminatory practice in housing has occurred or is about to occur, the Attorney General is required to: (1) prepare a notice of hearing and serve the notice upon the parties; and (2) unless a party elects to have the matter determined by a court, prepare and prosecute the complaint in a public hearing before the Commission. If the Commission, based on a preponderance of the evidence presented at the hearing, determines that an unlawful discriminatory practice in housing has occurred, the Commission may issue an order to cease and desist, order appropriate injunctive or other equitable relief, award actual damages, impose civil penalties and award costs and attorney's fees. Section 27 of this bill makes a conforming change to

eliminate the requirement for the Commission to hold an informal meeting of the parties.

Section 15 of this bill provides for the determination of the complaint by a court instead of the Commission. Section 16 of this bill establishes procedures for the judicial review of a final decision of the Commission. Sections 2-13 and 18 of this bill move the existing definitions in chapter 233 of NRS and define various terms relating to the complaint process. Sections 24-26 and 28 make changes to existing provisions to use these terms.

Section 29 of this bill provides that the provisions of chapter 233 of NRS for judicial review of decisions of the Commission concerning unlawful discriminatory practice in housing prevail over the provisions of the Administrative Procedure Act.

Section 22 of this bill authorizes the Commission to enter into certain agreements with the United States Department of Housing and Urban Development for the Commission to investigate and enforce laws relating to fair housing as a certified agency under federal law.

Section 33 of this bill prohibits, with certain exceptions, a person seeking to rent or lease a dwelling, or renting or leasing a dwelling, from: (1) inquiring into the arrest record, conviction record or record of criminal history of an applicant or tenant; (2) refusing to rent or lease, or refusing to negotiate to rent or lease, a dwelling to an applicant on the basis of the applicant's arrest record, conviction record or record of criminal history; (3) making, printing or publishing any notice or advertisement which indicates a preference based on the arrest record, conviction record or record of criminal history of an applicant; and (4) evicting a tenant from a dwelling on the basis of his or her arrest record, conviction record or record of criminal history for a misdemeanor offense unless the offense occurred on the premises of the dwelling. Section 33 provides that a person may inquire into or conduct a background check into the arrest record, conviction record or record of criminal history of an applicant to determine whether the applicant has certain offenses on his or her record. A person may refuse to rent or lease a dwelling to an applicant who has any such offense on his or her record. Section 33 also requires a person who makes a dwelling available for rent or lease to provide applicants with information regarding these unlawful discriminatory practices and information on how to file an appeal of a denial to rent or lease or file a complaint with the Commission. Section 33 exempts from these provisions: (1) persons who inquire or conduct a background check on an applicant pursuant to the requirements of federal or state law; (2) persons who check the statewide registry of sex offenders and offenders convicted of a crime against a child; (3) persons who make available for rent or lease not more than four individual dwelling units; (4) any action taken to determine whether an applicant for a rental with a week to week tenancy has any outstanding felony warrants pending against him or her; and (5) the rental or lease of a manufactured home.

~~[Section 33.5 of this bill prohibits discrimination in housing on the basis of source of income and defines "source of income" as money, assistance or benefits derived from a federal law intended to provide assistance during the COVID-19 pandemic.]~~

Sections 31, 32 and 34-44 of this bill amend the Nevada Fair Housing Law to conform to federal law. Section 36 of this bill revises the definition of "disability" to exclude any current illegal use of or addiction to a controlled substance. Sections 37 and 38 of this bill revise the definitions of "dwelling" and "person." Sections 31 and 32 define the terms "aggrieved person" and "unlawful discriminatory practice in housing."

Section 39 of this bill revises the prohibited practices which constitute an unlawful discriminatory practice in housing in Nevada. Section 39 prohibits discrimination in real estate related transactions. Section 39 also sets forth certain exceptions to the application of its provisions.

Section 40 of this bill prohibits a person from refusing: (1) to allow a person with a disability to make reasonable modifications to a dwelling which may be necessary to afford the person with a disability full enjoyment of the dwelling, if the person with the disability pays for the modifications; or (2) to make reasonable accommodations in rules, policies, practices or services which may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling.

Section 41 of this bill revises accessibility requirements relating to the design and construction of a covered multifamily dwelling. Section 42 of this bill revises provisions prohibiting a landlord from refusing to rent a dwelling to a person with a disability with a service animal.

Sections 43 and 44 of this bill revise provisions governing civil actions to enforce certain provisions relating to discrimination in housing.

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

Section 1. Chapter 233 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this act.

Sec. 2. *"Administrator" means the Administrator of the Commission.*

Sec. 3. *"Aggrieved person" has the meaning ascribed to it in section 31 of this act.*

Sec. 4. *"Commission" means the Nevada Equal Rights Commission.*

Sec. 5. 1. *"Complainant" means a person by whom, or on whose behalf, a complaint is made which alleges an unlawful discriminatory practice over which the Commission has jurisdiction pursuant to this chapter.*

2. *As used in this section, "person" includes the Commission.*

Sec. 6. *"Conciliation" means the attempted resolution of issues raised by a complaint, or by the investigation of a complaint, through informal negotiations involving the aggrieved person, the respondent and the Commission.*

Sec. 7. *"Disability" has the meaning ascribed to it in NRS 118.045.*

Sec. 8. *"Familial status" has the meaning ascribed to it in NRS 118.065.*

Sec. 9. *"Gender identity or expression" has the meaning ascribed to it in NRS 118.075.*

Sec. 10. *"Member" means a member of the Commission.*

Sec. 11. *"Respondent" means a natural person or other person against whom is made a complaint which alleges an unlawful discriminatory practice over which the Commission has jurisdiction pursuant to this chapter.*

Sec. 12. *"Sexual orientation" has the meaning ascribed to it in NRS 118.093.*

Sec. 13. *"Unlawful discriminatory practice in housing" has the meaning ascribed to it in section 32 of this act.*

Sec. 14. 1. *When a complaint is filed whose allegations if true would support a finding of an unlawful discriminatory practice in housing:*

(a) *The Commission shall, to the extent practicable throughout the complaint process, engage in conciliation with respect to the complaint. If an agreement is reached with regard to the matters alleged in the complaint, no further action may be taken by the complainant or the Commission with regard to the matters alleged in the complaint.*

(b) *Each conciliation agreement between a complainant and a respondent must be approved by the Commission. The Commission may reject any conciliation agreement that it determines is not in the public interest. A conciliation agreement may provide for binding arbitration of the matters alleged in the complaint and for the awarding of any appropriate relief in the arbitration, including, without limitation, monetary relief.*

(c) *The Commission shall make a conciliation agreement public unless the complainant and the respondent agree that it not be made public and the Commission determines that public disclosure of the agreement would not further the purposes of this chapter or NRS 118.010 to 118.120, inclusive, and sections 31 ~~to 33.5, inclusive,~~ 32 and 33 of this act.*

2. *The Commission shall, at the conclusion of the investigation required by NRS 233.157, prepare a final investigative report containing:*

(a) *The name of and the date of contact with each witness;*

(b) *A summary and the dates of correspondence and other contact with the complainant and the respondent;*

(c) *A summary description of other pertinent records;*

(d) *A summary of witness statements; and*

(e) *Answers to interrogatories.*

➡ *The Commission may amend the final investigative report if additional evidence is discovered.*

3. *If, at the conclusion of the investigation required by NRS 233.157, the Administrator determines that there is not probable cause to believe that an unlawful discriminatory practice in housing has occurred or is about to occur, the Administrator shall dismiss the complaint and notify the complainant and the respondent.*

4. *If, at the conclusion of the investigation required by NRS 233.157, the Administrator determines that there is probable cause to believe that an*

unlawful discriminatory practice in housing has occurred or is about to occur, and attempts at conciliation have failed:

(a) The Attorney General shall prepare a notice of hearing which complies with the requirements of NRS 233B.121 and serve a copy of the notice upon the complainant, the aggrieved person and the respondent, together with notice of the right to elect, in lieu of the hearing, to have the matter determined in a civil action in a court of competent jurisdiction pursuant to section 15 of this act.

(b) Any aggrieved person may intervene as a party in the proceeding.

5. Unless an election is made to have the matter determined in a court of competent jurisdiction pursuant to section 15 of this act, the Commission shall hold a public hearing on the matter in conformance with the requirements of chapter 233B of NRS, except that the provisions of subsection 5 of NRS 233B.121 and NRS 233B.124 do not apply to the hearing. The Attorney General shall prepare and prosecute the complaint on behalf of the complainant.

6. If, after a hearing held pursuant to subsection 5, the Commission determines, based on a preponderance of the evidence, that an unlawful discriminatory practice in housing has occurred, the Commission shall serve a copy of its findings of fact and conclusions of law upon the complainant, the aggrieved persons and the respondent within 10 days after such a finding and may:

- (a) Order the respondent to cease and desist from the unlawful practice;
- (b) Order such injunctive or other equitable relief as may be appropriate;
- (c) Award actual damages to the complainant;
- (d) Impose upon the respondent:

(1) Except as otherwise provided in this paragraph, a civil penalty of not more than \$16,000;

(2) If the respondent has been adjudged in a separate action to have committed any violation of NRS 118.010 to 118.120, inclusive, and sections 31 ~~to 33.5, inclusive,~~ 32 and 33 of this act within the 5-year period immediately preceding the filing of the complaint, a civil penalty of not more than \$37,500; or

(3) If the respondent has been adjudged in one or more separate actions to have committed two or more violations of NRS 118.010 to 118.120, inclusive, and sections 31 ~~to 33.5, inclusive,~~ 32 and 33 of this act within the 7-year period immediately preceding the filing of the complaint, a civil penalty of not more than \$65,000; and

(e) Award costs and reasonable attorneys' fees to the complainant.

7. If, after a hearing held pursuant to subsection 5, the Commission determines, based on a preponderance of the evidence, that an unlawful discriminatory practice in housing has not occurred, the Commission:

- (a) Shall dismiss the matter and make the dismissal public; and
- (b) May, upon motion of the respondent, award costs and reasonable attorney's fees to the respondent if the Commission determines that the

complaint, had it been filed with a court, would have violated and been grounds for sanctions under Rule 11 of the Nevada Rules of Civil Procedure.

8. Any resolution of a complaint before a final order of the Commission following a hearing held pursuant to subsection 5 must, to the extent practicable, be agreed to by the aggrieved person.

9. If the respondent fails to comply with a final order of the Commission, the Commission shall apply to the district court for an order compelling compliance. If the court finds that the respondent has violated the order by failing to cease and desist from the unlawful practice, failing to make any payment ordered or otherwise failing to comply with the order, the court shall award the aggrieved person actual damages caused by the noncompliance.

10. After the Commission has held a public hearing and rendered a decision, the complainant is barred from proceeding on the same facts and legal theory before any other administrative body or officer.

Sec. 15. 1. If, pursuant to subsection 4 of section 14 of this act, the Administrator has determined that there is probable cause to believe that an unlawful discriminatory practice in housing has occurred or is about to occur, and attempts at conciliation have failed, the complainant, the aggrieved person or the respondent may, in lieu of a hearing before the Commission pursuant to section 14 of this act, elect to have the claims of an unlawful discriminatory practice in housing that were set forth in the complaint decided by a court of competent jurisdiction.

2. The election must be made in writing and be received by the Commission not later than 20 days after the date on which the notice was served as required by subsection 4 of section 14 of this act.

3. The Attorney General shall, if requested by the complainant or the aggrieved person, prepare, file and litigate a civil action on behalf of the complainant or the aggrieved person.

4. Any aggrieved person, with respect to the issues to be determined in the civil action, may intervene as a matter of right in the civil action.

5. If the court, based on a preponderance of the evidence, determines that the defendant has committed or is about to commit an unlawful discriminatory practice in housing, the court may:

(a) Award actual and punitive damages to the complainant or the aggrieved person, except that the court may not award monetary damages to an aggrieved person who does not intervene if that aggrieved person has not complied with discovery orders entered by the court;

(b) Award costs and reasonable attorney's fees to the complainant or the aggrieved person; and

(c) Order such other relief as the court determines appropriate, including, without limitation:

(1) Ordering a permanent or temporary injunction;

(2) Issuing a temporary restraining order; or

(3) Enjoining the defendant from engaging in the unlawful practice or ordering such other affirmative action as the court determines appropriate.

6. If the court, based on a preponderance of the evidence, determines that the defendant has not committed and is not about to commit an unlawful discriminatory practice in housing, the court shall dismiss the action and may, upon the motion of the defendant, award costs and reasonable attorney's fees to the defendant if the court determines that the complaint was prosecuted in violation of Rule 11 of the Nevada Rules of Civil Procedure.

7. The Commission shall notify the complainant, all aggrieved persons and the respondent of the court's decision in any action filed pursuant to this section.

Sec. 16. 1. An order of the Commission issued pursuant to section 14 of this act in a complaint alleging an unlawful discriminatory practice in housing is a final decision in a contested case for the purpose of judicial review.

2. Any person identified as a party of record in a hearing before the Commission on a complaint alleging an unlawful discriminatory practice in housing who is aggrieved by a final decision of the Commission may request judicial review.

3. A petition for judicial review must:

(a) Name as respondents the Commission and all parties of record to the hearing;

(b) Be instituted by filing the petition in the district court in and for Carson City, in and for the county in which the aggrieved party resides or in and for the county in which the hearing occurred; and

(c) Be filed within 30 days after service of the final decision of the Commission.

4. A cross-petition for judicial review must be filed within 10 days after service of a petition for judicial review.

5. The Commission and any party wishing to participate in the judicial review must file a statement of intent to participate in the petition for judicial review and serve the statement upon the petitioner and each named respondent within 20 days after service of the petition.

6. The petition for judicial review and any cross-petition for judicial review must be served upon the Commission and each party of record within 45 days after the filing of the petition, unless, upon a showing of good cause, the district court extends the time for such service.

7. The Commission shall, within 30 days after receipt of service of the petition for judicial review or such time as allowed by the court, transmit to the court the original or a certified copy of the entire record of the proceeding under review, including, without limitation, a transcript of the evidence resulting in the final decision of the Commission. The record may be shortened by stipulation of the parties to the proceeding. If the court determines that a party has unreasonably refused to stipulate to limit the record, the court may assess any additional costs resulting from the refusal against that party. The court may require or permit subsequent corrections or additions to the record.

8. If, before submission to the court, an application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of

the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the Commission, the court may order that the additional evidence and any rebuttal evidence be taken before the Commission upon such conditions as the court determines appropriate. After receipt of any additional evidence, the Commission:

- (a) May modify its findings and decision; and*
- (b) Shall file the evidence and any modification, new finding or decision with the court.*

9. A petitioner or cross-petitioner who is seeking judicial review shall serve and file a memorandum of points and authorities within 40 days after the Commission gives written notice to the parties that the record of the proceeding under review has been filed with the court.

10. The respondent or cross-petitioner shall serve and file a reply memorandum of points and authorities within 30 days after service of the memorandum of points and authorities.

11. The petitioner or cross-petitioner may serve and file a reply memoranda of points and authorities within 30 days after service of the reply memorandum.

12. Within 7 days after the expiration of the period within which the petitioner is required to reply, any party may request a hearing. Unless a request for a hearing has been filed, the matter shall be deemed submitted.

13. All memoranda of points and authorities filed in proceedings involving petitions for judicial review must be in the form provided for appellate briefs in Rule 28 of the Nevada Rules of Appellate Procedure.

14. The court, for good cause, may extend the times allowed in this section for filing memoranda.

15. Judicial review of a final decision of the Commission must be:

- (a) Conducted by the court without a jury; and*
- (b) Confined to the record.*

➡ In cases concerning alleged irregularities in procedure before the Commission that are not shown in the record, the court may receive evidence concerning the irregularities.

16. The final decision of the Commission shall be deemed reasonable and lawful until reversed or set aside in whole or in part by the court. The burden of proof is on the party attacking or resisting the decision to show that the final decision is invalid pursuant to subsection 17.

17. The court shall not substitute its judgment for that of the Commission as to the weight of evidence on a question of fact. The court may remand or affirm the final decision or set it aside in whole or in part if substantial rights of the petitioner have been prejudiced because the final decision of the Commission is:

- (a) In violation of any constitutional or statutory provision;*
- (b) In excess of the statutory authority of the Commission;*
- (c) Made upon unlawful procedure;*
- (d) Affected by other error of law;*

(e) *Clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or*

(f) *Arbitrary or capricious or characterized by abuse of discretion.*

18. *A petitioner who applies for a stay of the final decision of the Commission shall file and serve a written motion for the stay on the Commission and all parties of record to the proceeding at the time of filing the petition for judicial review. The petitioner must provide security before the court may issue a stay.*

19. *In determining whether to grant a stay, the court shall consider the same factors as are considered for a preliminary injunction under Rule 65 of the Nevada Rules of Civil Procedure.*

20. *In making a ruling, the court shall:*

(a) *Give deference to the Commission; and*

(b) *Consider the risk to the public, if any, of staying the decision of the Commission.*

21. *An aggrieved party may obtain a review of any final judgment of the district court by appeal to the Nevada Supreme Court. The appeal may be taken as in other civil cases.*

Sec. 17. NRS 233.010 is hereby amended to read as follows:

233.010 1. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek and obtain housing accommodations without discrimination, distinction or restriction because of race, religious creed, color, age, sex, disability, *familial status*, sexual orientation, gender identity or expression, national origin or ancestry.

2. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek and be granted services in places of public accommodation without discrimination, distinction or restriction because of race, ~~religious creed,~~ *religion*, color, age, sex, disability, sexual orientation, national origin ~~ancestry~~ or gender identity or expression.

3. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek, obtain and hold employment without discrimination, distinction or restriction because of race, ~~religious creed,~~ *religion*, color, age, sex, disability, sexual orientation, gender identity or expression ~~or~~ *or* national origin ~~ancestry~~.

4. It is recognized that the people of this State should be afforded full and accurate information concerning actual and alleged practices of discrimination and acts of prejudice, and that such information may provide the basis for formulating statutory remedies of equal protection and opportunity for all citizens in this State.

Sec. 18. NRS 233.020 is hereby amended to read as follows:

233.020 As used in this chapter ~~the~~

- ~~1. "Administrator" means the Administrator of the Commission.~~
- ~~2. "Commission" means the Nevada Equal Rights Commission within the Department of Employment, Training and Rehabilitation.~~
- ~~3. "Disability" means, with respect to a person:~~
 - ~~(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;~~
 - ~~(b) A record of such an impairment; or~~
 - ~~(c) Being regarded as having such an impairment.~~
- ~~4. "Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.~~
- ~~5. "Member" means a member of the Nevada Equal Rights Commission.~~
- ~~6. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.], unless the context otherwise requires, the words and terms defined in sections 2 to 13, inclusive, of this act have the meanings ascribed to them in those sections.~~

Sec. 19. NRS 233.085 is hereby amended to read as follows:

233.085 The Governor may designate another agency to perform the duties and functions of the Commission set forth in NRS 233.150 ~~[, 233.160, 233.165 and 233.170.]~~ and 233.157 to 233.170, inclusive, and sections 14, 15 and 16 of this act.

Sec. 20. NRS 233.140 is hereby amended to read as follows:

233.140 The Commission shall:

1. Foster mutual understanding and respect among all groups, including, without limitation, those based on race, religion, disability, ethnicity, sexual orientation and gender identity or expression, and between the sexes in the State.

2. Aid in securing equal health and welfare services and facilities for all the residents of the State without regard to race, *color*, religion, sex, sexual orientation, gender identity or expression, age, disability, *familial status* or ~~[nationality.]~~ *national origin*.

3. Study problems arising between groups within the State which may result in tensions, discrimination or prejudice because of race, color, ~~[creed,]~~ *religion*, sex, sexual orientation, gender identity or expression, age, disability, *familial status* or *national origin*, ~~[or ancestry.]~~ and formulate and carry out programs of education and disseminate information with the object of discouraging and eliminating any such tensions, prejudices or discrimination.

4. Secure the cooperation of various groups, including, without limitation, those based on race, religion, sex, sexual orientation, gender identity or expression, age, disability, nationality and ethnicity, veterans' organizations, labor organizations, business and industry organizations and fraternal, benevolent and service groups, in educational campaigns devoted to the need for eliminating group prejudice, racial or area tensions, intolerance or discrimination.

5. Cooperate with and seek the cooperation of federal and state agencies and departments in carrying out projects within their respective authorities to eliminate intergroup tensions and to promote intergroup harmony.

6. Develop and carry out programs of education and disseminate information as necessary to inform employers, employees, employment agencies and job applicants about their rights and responsibilities set forth in NRS 613.4353 to 613.4383, inclusive.

Sec. 21. NRS 233.150 is hereby amended to read as follows:

233.150 The Commission may:

1. Order its Administrator to:

(a) With regard to public accommodation, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, ~~creed,~~ religion, sex, age, disability, *familial status*, sexual orientation, national origin ~~ancestry~~ or gender identity or expression and may conduct hearings with regard thereto.

(b) With regard to housing, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, ~~creed,~~ religion, sex, age, disability, *familial status*, sexual orientation, gender identity or expression ~~or national origin , ancestry,~~ and may conduct hearings with regard thereto.

(c) With regard to employment, investigate:

(1) Tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, ~~creed,~~ religion, sex, age, disability, *familial status*, sexual orientation, gender identity or expression ~~or national origin , ancestry,~~ and may conduct hearings with regard thereto; and

(2) Any unlawful employment practice by an employer pursuant to the provisions of NRS 613.4353 to 613.4383, inclusive, and may conduct hearings with regard thereto.

2. Mediate between or reconcile the persons or groups involved in those tensions, practices and acts.

3. Issue subpoenas for the attendance of witnesses or for the production of documents or tangible evidence relevant to any investigations or hearings conducted by the Commission.

4. Delegate its power to hold hearings and issue subpoenas to any of its members or any hearing officer in its employ.

5. *Initiate a complaint against an unlawful discriminatory practice in housing.*

6. Adopt reasonable regulations necessary for the Commission to carry out the functions assigned to it by law.

Sec. 22. NRS 233.153 is hereby amended to read as follows:

233.153 1. The Commission ~~shall not~~ *may* contract with or enter into a memorandum of understanding with the United States Department of Housing and Urban Development for the Commission to investigate and enforce laws relating to fair housing as a certified agency . ~~unless the~~

~~Legislature, by resolution or other appropriate legislative measure, expressly authorizes the Commission to do so.]~~

2. As used in this section:

(a) "Certified agency" has the meaning ascribed to it in 24 C.F.R. § 115.100(c). The term refers to the certification of an agency as substantially equivalent as described in 42 U.S.C. § 3610(f)(3)(A) and 24 C.F.R. Part 115, Subpart B.

(b) "Memorandum of understanding" means the memorandum of understanding described in 24 C.F.R. § ~~{115.210.}~~ 115.205.

Sec. 23. NRS 233.157 is hereby amended to read as follows:

233.157 1. The Commission shall accept any complaint alleging an unlawful discriminatory practice over which it has jurisdiction pursuant to this chapter.

2. The Commission shall adopt regulations setting forth the manner in which the Commission will process ~~{any such}~~ a complaint ~~{and}~~ received pursuant to subsection 1.

3. *If a complaint alleges an unlawful discriminatory practice in employment or public accommodations, the Commission shall determine whether to hold an informal settlement meeting or conduct an investigation concerning the complaint.*

4. *If a complaint alleges an unlawful discriminatory practice in housing, the Commission shall investigate the complaint and shall, to the extent practicable, engage in conciliation with respect to the complaint.*

Sec. 24. NRS 233.160 is hereby amended to read as follows:

233.160 1. A complaint which alleges unlawful discriminatory practices in:

(a) Housing must be filed with the Commission not later than 1 year after the date of the occurrence of the alleged practice or the date on which the practice terminated.

(b) Employment or public accommodations must be filed with the Commission not later than 300 days after the date of the occurrence of the alleged practice.

➡ A complaint is timely if it is filed with an appropriate federal agency within that period. A complainant shall not file a complaint with the Commission if any other state or federal administrative body or officer which has comparable jurisdiction to adjudicate complaints of discriminatory practices has made a decision upon a complaint based upon the same facts and legal theory.

2. The complainant shall specify in the complaint the alleged unlawful practice and sign it under oath.

3. The Commission shall send to the ~~{party against whom an unlawful discriminatory practice is alleged.}~~ respondent:

(a) A copy of the complaint;

(b) An explanation of the rights which are available to ~~{that party.}~~ the respondent; and

(c) A copy of the Commission's procedures.

4. The Commission shall notify each party to the complaint of the limitation on the period of time during which a person may apply to the district court for relief pursuant to NRS 613.430.

5. If a person files a complaint pursuant to paragraph (b) of subsection 1 which alleges an unlawful discriminatory practice in employment, the Commission shall, as soon as practicable after receiving the complaint, notify in writing the person who filed the complaint that the person may request the Commission to issue a right-to-sue notice pursuant to NRS 613.412.

6. For the purposes of paragraph (b) of subsection 1, an unlawful discriminatory practice in employment which relates to compensation occurs on:

(a) Except as otherwise provided in paragraph (b), the date prescribed by 42 U.S.C. § 2000e-5(e)(3)(A), as it existed on January 1, 2019.

(b) If 42 U.S.C. § 2000e-5(e)(3)(A) is amended and the Commission determines by regulation that the section, as amended, provides greater protection for employees than the section as it existed on January 1, 2019, the date prescribed by 42 U.S.C. § 2000e-5(e)(3)(A), as amended.

7. *If a person files a complaint pursuant to paragraph (a) of subsection 1 which alleges an unlawful discriminatory practice in housing:*

(a) *The Commission shall, not later than 10 days after receiving the complaint:*

(1) *Serve upon the aggrieved person:*

(I) *Notice that the complaint was filed with the Commission;*

(II) *A copy of the procedures of the Commission;*

(III) *The information set forth in sections 14 and 15 of this act; and*

(IV) *Information relating to the state and federal administrative bodies and courts with which the aggrieved person may file the complaint.*

(2) *Send to the respondent the information set forth in subsection 3.*

(b) *The respondent may file with the Commission an answer to the complaint not later than 10 days after the respondent receives the information set forth in subsection 3.*

(c) *A person who is not named as a respondent but who is identified as a respondent in the course of the investigation may be joined as an additional or substitute respondent upon written notice from the Commission to that person.*

Sec. 25. NRS 233.165 is hereby amended to read as follows:

233.165 1. ~~{If the Commission determines to conduct}~~ *In conducting an investigation of a complaint which alleges an unlawful discriminatory practice in housing in accordance with the regulations adopted pursuant to NRS 233.157, the Commission ~~{must}~~ shall:*

(a) *Begin ~~{an}~~ the investigation of the complaint within 30 days after it receives the complaint.*

(b) *Complete its investigation of the complaint within 100 days after it receives the complaint unless it is impracticable to do so.*

(c) Make a final disposition of the complaint within 1 year after the date it receives the complaint unless it is impracticable to do so.

2. If the Commission determines that it is impracticable to complete an investigation or make a final disposition of a complaint which alleges an unlawful discriminatory practice in housing within the period prescribed in subsection 1, the Commission shall send to the complainant and the ~~{person against whom the complaint was filed}~~ *respondent* a statement setting forth its reasons for not completing the investigation or making a final disposition of the complaint within that period.

Sec. 26. NRS 233.170 is hereby amended to read as follows:

233.170 1. When a complaint is filed whose allegations if true would support a finding of *an unlawful practice* ~~{the}~~ *in employment or public accommodations*:

(a) *The Commission shall determine whether to hold an informal meeting to attempt a settlement of the dispute in accordance with the regulations adopted pursuant to NRS 233.157. If the Commission determines to hold an informal meeting, the Administrator may, to prepare for the meeting, request from each party any information which is reasonably relevant to the complaint. No further action may be taken if the parties agree to a settlement.*

~~{2.}~~ (b) *If an agreement is not reached at the informal meeting, the Administrator shall determine whether to conduct an investigation into the alleged unlawful practice in accordance with the regulations adopted pursuant to NRS 233.157. After the investigation, if the Administrator determines that an unlawful practice has occurred, the Administrator shall attempt to mediate between or reconcile the parties. The ~~{party against whom a complaint was filed}~~ *respondent* may agree to cease the unlawful practice. If an agreement is reached, no further action may be taken by the complainant or by the Commission.*

~~{3.}~~ (c) *If the attempts at mediation or conciliation fail, the Commission may hold a public hearing on the matter ~~{After}~~ in accordance with the requirements of chapter 233B of NRS.*

2. *If, after the hearing ~~{if}~~ held pursuant to paragraph (c) of subsection 1, the Commission determines that an unlawful practice has occurred, ~~{it may}~~ the Commission:*

(a) ~~{Serve}~~ *Shall serve* a copy of its findings of fact within 10 calendar days upon any ~~{person}~~ *respondent* found to have engaged in the unlawful practice; and

(b) ~~{Order}~~ *May order* the ~~{person}~~ *respondents* to:

(1) Cease and desist from the unlawful practice. The order must include, without limitation, the corrective action the ~~{person}~~ *respondent* must take.

(2) In cases involving an unlawful employment practice, restore all benefits and rights to which the aggrieved person is entitled, including, but not limited to, rehiring, back pay for a period described in subsection ~~{4.}~~ 3, annual leave time, sick leave time or pay, other fringe benefits and seniority, with interest thereon from the date of the Commission's decision at a rate equal to

the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date of the Commission's decision, plus 2 percent. The rate of interest must be adjusted accordingly on each January 1 and July 1 thereafter until the judgment is satisfied.

(3) In cases involving an unlawful employment practice relating to discrimination on the basis of sex, pay an amount determined to be appropriate by the Commission for lost wages that would have been earned in the absence of discrimination or other economic damages resulting from the discrimination, including, without limitation, lost payment for overtime, shift differential, cost of living adjustments, merit increases or promotions, or other fringe benefits.

(4) In cases involving an unlawful employment practice committed by an employer with 50 or more employees that the Commission determines was willful, pay a civil penalty of:

(I) For the first unlawful employment practice that the ~~{person}~~ *respondent* has engaged in during the immediately preceding 5 years which the Commission determines was willful, not more than \$5,000.

(II) For the second unlawful employment practice that the ~~{person}~~ *respondent* has engaged in during the immediately preceding 5 years which the Commission determines was willful, not more than \$10,000.

(III) For the third and any subsequent unlawful employment practice that the ~~{person}~~ *respondent* has engaged in during the immediately preceding 5 years which the Commission determines was willful, not more than \$15,000.

~~{4.}~~ 3. For the purposes of subparagraph (2) of paragraph (b) of subsection ~~{3.}~~ 2, the period for back pay must not exceed a period beginning 2 years before the date on which the complaint was filed and ending on the date the Commission issues an order pursuant to paragraph (b) of subsection ~~{3.}~~ 2.

~~{5.}~~ 4. Before imposing a civil penalty pursuant to subparagraph (4) of paragraph (b) of subsection ~~{3.}~~ 2, the Commission must allow the ~~{person}~~ *respondent* found to have willfully engaged in an unlawful employment practice 30 days to take corrective action from the date of service of the order pursuant to paragraph (a) of subsection ~~{3.}~~ 2. If the ~~{person}~~ *respondent* takes such corrective action, the Commission shall not impose the civil penalty.

~~{6.}~~ 5. The order of the Commission is a final decision in a contested case for the purpose of judicial review. If the ~~{person}~~ *respondent* fails to comply with the Commission's order, the Commission shall apply to the district court for an order compelling such compliance, but failure or delay on the part of the Commission does not prejudice the right of an aggrieved party to judicial review. The court shall issue the order unless it finds that the Commission's findings or order are not supported by substantial evidence or are otherwise arbitrary or capricious. If the court upholds the Commission's order and finds that the ~~{person}~~ *respondent* has violated the order by failing to cease and desist

from the unlawful practice or to make the payment ordered, the court shall award the aggrieved party actual damages for any economic loss and no more.

~~{7.}~~ 6. After the Commission has held a public hearing and rendered a decision, the complainant is barred from proceeding on the same facts and legal theory before any other administrative body or officer.

~~{8.}~~ 7. For the purposes of this section, an unlawful employment practice shall be deemed to be willful if a person engages in the practice with knowledge that it is unlawful or with reckless indifference to whether it is lawful or unlawful.

Sec. 27. NRS 233.180 is hereby amended to read as follows:

233.180 If, after the Administrator has conducted a preliminary investigation into an alleged unlawful discriminatory practice in housing, employment or public accommodations, the Commission determines that the practice will cause immediate and irreparable harm to any person aggrieved by the practice, the Commission, ~~{after the informal meeting and}~~ before holding a public hearing upon the matter, may apply on behalf of such person to the district court for a temporary restraining order or preliminary injunction as provided in the Nevada Rules of Civil Procedure.

Sec. 28. NRS 233.190 is hereby amended to read as follows:

233.190 1. Except as otherwise provided in this section or NRS 239.0115, *or paragraph (c) of subsection 1 of section 14 of this act*, any information gathered by the Commission in the course of its investigation of an alleged unlawful discriminatory practice in housing, employment or public accommodations is confidential.

2. Except as otherwise provided in subsection 5, the Commission may disclose information gathered pursuant to subsection 1 to:

(a) Any governmental entity as appropriate or necessary to carry out its duties pursuant to this chapter; or

(b) To any other person if the information is provided in a manner which does not include any information that may be used to identify the complainant, the ~~{party against whom the unlawful discriminatory practice is alleged}~~ *respondent* or any person who provided information to the Commission during the investigation.

3. Except as otherwise provided in subsection 4, the Commission shall disclose information gathered pursuant to subsection 1 to the complainant and the ~~{party against whom the unlawful discriminatory practice is alleged}~~ *respondent* if:

(a) Each has consented to such disclosure; or

(b) The Commission has determined to conduct a hearing on the matter or apply for a temporary restraining order or an injunction or an action has been filed in court concerning the complaint.

4. The Commission may not disclose to the complainant or the ~~{party against whom the unlawful discriminatory practice is alleged}~~ *respondent*.

(a) Any information obtained during negotiations for a settlement or attempts at mediating or conciliating the complaint.

(b) Any investigative notes or reports made by the Commission.

(c) Any information that may be used to identify a person who provided information to the Commission during the investigation and who has requested anonymity.

5. After the filing of a complaint with the Commission, access to information related to the complaint must be limited only to such staff of the Commission as is necessary to carry out the duties of the Commission relating to the complaint. Such staff shall not disclose such information to the other officers and employees of the Department of Employment, Training and Rehabilitation, including, without limitation, supervisors and the Director of the Department, unless the disclosure is necessary to carry out the duties of the Commission relating to the complaint.

6. Except as otherwise provided in this section or NRS 239.0115, *or paragraph (c) of subsection 1 of section 14 of this act*, if the Commission's attempts at mediating or conciliating the cause of the grievance succeed, the information gathered pursuant to subsection 1 must remain confidential.

7. If the Commission proceeds with a hearing or applies for injunctive relief, confidentiality concerning any information, except negotiations for a settlement or attempts at mediating or conciliating the cause of the grievance, is no longer required.

Sec. 29. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in NRS 209.221, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The Nevada Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.

(g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(j) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(k) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(l) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.

(m) The Silver State Health Insurance Exchange.

(n) The Cannabis Compliance Board.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the adoption of an emergency regulation or the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) *Chapter 233 of NRS for the judicial review of decisions of the Nevada Equal Rights Commission concerning an unlawful discriminatory practice in housing;*

(d) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

~~[(d)]~~ (e) NRS 90.800 for the use of summary orders in contested cases, ➡ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;

(d) The judicial review of decisions of the Public Utilities Commission of Nevada;

(e) The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 426.561 or 615.178;

(f) The adoption or amendment of a rule or regulation to be included in the State Plan for Services for Victims of Crime by the Department of Health and Human Services pursuant to NRS 217.130;

(g) The adoption, amendment or repeal of rules governing the conduct of contests and exhibitions of unarmed combat by the Nevada Athletic Commission pursuant to NRS 467.075; or

(h) The adoption, amendment or repeal of regulations by the Director of the Department of Health and Human Services pursuant to NRS 447.335 to 447.350, inclusive.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 30. Chapter 118 of NRS is hereby amended by adding thereto the provisions set forth as sections 31 ~~(to 33.5, inclusive), 32 and 33~~ of this act.

Sec. 31. *"Aggrieved person" means any person who:*

1. *Claims to have been injured by an unlawful discriminatory practice in housing; or*

2. *Believes that he or she will be injured by an unlawful discriminatory practice in housing that is about to occur.*

Sec. 32. *"Unlawful discriminatory practice in housing" means a practice prohibited by NRS 118.100 and ~~sections 33 and 33.5~~ of this act.*

Sec. 33. 1. *Except as otherwise provided in subsections 2 and 3, it is an unlawful discriminatory practice for any person to:*

(a) *Inquire into or conduct a background check to determine the arrest record, conviction record or record of criminal history of an applicant or tenant;*

(b) *Refuse to rent or lease or refuse to negotiate for the rental or lease of, or otherwise make unavailable, a dwelling to an applicant because of any arrest record, conviction record or record of criminal history;*

(c) *Make, print or publish, or cause to be made printed or published, any notice, statement or advertisement with respect to the rental or lease of a dwelling that indicates any preference, limitation or discrimination, or an intention to make any preference, limitation or discrimination, on the basis of an applicant's record, conviction record or record of criminal history; and*

(d) *Evict a tenant on the basis of an arrest record, conviction record or record of criminal history for a misdemeanor offense unless the misdemeanor offense occurred on the premises of the dwelling that is being rented or leased to the tenant.*

2. *A person may inquire into or conduct a background check to determine whether an applicant has an arrest record, conviction record or record of criminal history that includes:*

(a) *First degree arson pursuant to NRS 205.010, or the equivalent offense in another jurisdiction;*

(b) *At least two instances of second, third or fourth degree arson pursuant to NRS 205.015, 205.020 or 205.025, or the equivalent offense in another jurisdiction, within the immediately preceding year.*

(c) *A violent or sexual offense as defined in NRS 202.876, or the equivalent offense in another jurisdiction; and*

(d) If the rental or lease is being made available by a public housing authority and the public housing authority has adopted a policy to use such offenses as a basis for denying the rental or lease in the public housing and has made a list of the offenses publicly available, any offense set forth in 24 C.F.R. § 982.553 as a permissive prohibition, other than drug-related criminal offenses related to cannabis from another jurisdiction, if such offense would not be a criminal offense in this State.

➔ A person who inquires into or conducts a background check in accordance this subsection may refuse to rent or lease, refuse to negotiate for the rental or lease of, or otherwise make unavailable a dwelling on the basis of an arrest record, conviction record or record of criminal history for the offenses set forth in this subsection.

3. A person who makes a dwelling available for rent or lease and who is subject to this provisions of this section shall provide to each applicant information on:

(a) The provisions of this section and NRS 118.110 and 118.120;

(b) How the applicant may appeal a denial for a rental or lease of a dwelling in public housing to a public housing authority; and

(c) How the applicant may file a complaint with the Commission pursuant to NRS 233.160 if the applicant believes that his or her application was denied on the basis of an unlawful discriminatory practice.

4. The provisions of this section apply to the rental or lease, including, without limitation, a rental with a week to week tenancy, of any dwelling in:

(a) Public or private housing or a premises which a person makes available for rent or lease that contains not less than five individual dwelling units; and

(b) Public or private housing or a premises made available for rent or lease by a person who own or holds any interest in, title to or any right to any portion of the proceeds from the rental of more than five single-family houses or multi-family houses.

(c) Do not apply to:

(1) Any actions taken by a person pursuant to any federal or state law or regulation that requires the person to inquire into or conduct a background check to determine the arrest record, conviction record or criminal history of an applicant and exclude certain applicants based on certain types of criminal history, including, without limitation, the provisions of NRS 315.031, 42 U.S.C. § 13663 and 24 C.F.R. § 982.553.

(2) Any actions taken by a person to review the statewide registry of sex offenders and offenders convicted of a crime against a child established pursuant to NRS 179B.200.

(3) The rental of a room or unit in a dwelling by a person who makes available for rent or lease not more than four individual dwelling rooms or units.

(4) Any action taken by a person who makes available for rent a dwelling for tenancy on a week to week basis to determine whether an applicant has any outstanding felony warrants pending against him or her.

(5) The rental or lease of a manufactured home.

5. As used in this section:

(a) "Applicant" means a person who:

(1) Seeks information about, visits or applies to rent or lease a dwelling;

(2) Applies for a housing rental assistance program, including, without limitation, the Housing Choice Voucher Program pursuant to section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f; or

(3) Seeks to be added to an existing lease for a dwelling.

(b) "Arrest record" means any information indicating that a person has been apprehended, detained, taken into custody, held for investigation or restrained by a law enforcement department of military authority due to an accusation or suspicion that a person committed a crime. The term includes pending criminal charges where an accusation has not resulted in a final judgment, acquittal, conviction, plea, dismissal or withdrawal.

(c) "Background check" means any report regarding the arrest record, conviction record or record of criminal history of a person intended to obtain the person's record of criminal history.

(d) "Conviction record" means any information regarding a final adjudication or other criminal disposition adverse to a person. The term includes, without limitation, dispositions for which the defendant received a deferred or suspended sentence, unless the adverse disposition has been vacated or expunged.

(e) "Dwelling" means:

(1) Public housing as that term is defined in NRS 315.021;

(2) Any housing or premises that are rented or leased to a tenant pursuant to a contract with a housing authority as those terms are defined in NRS 315.021; or

(3) Any housing or premises which accepts rental payments of vouchers from a federal, state or local housing voucher program.

(f) "Record of criminal history" has the meaning ascribed to it in NRS 179A.070.

~~Sec. 33.5. 1. A person shall not, based on source of income, discriminate against any person in the terms, conditions or privileges in the sale or rental of a dwelling or the equal enjoyment of a dwelling.~~

~~2. A violation of subsection 1 shall be deemed an unlawful discriminatory practice in housing for the purposes of NRS 118.010 to 118.120, inclusive, and sections 31 to 33.5, inclusive, of this act.~~

~~3. The provisions of this section do not prohibit a person who makes available a dwelling for sale or rent from taking into consideration the sufficiency or sustainability of the income or credit rating of an applicant or prospective buyer in a commercially reasonable manner.~~

~~4. An aggrieved person who is injured pursuant to this section may file a complaint with the Commission in the manner prescribed in NRS 233.160.~~

~~5. As used in this section, "source of income" means any source of money, housing assistance or benefits paid to or on behalf of a person as a result of a~~

~~federal law passed for the purposes of providing relief for the COVID-19 pandemic.~~ (Deleted by amendment.)

Sec. 34. NRS 118.020 is hereby amended to read as follows:

118.020 1. It is hereby declared to be the public policy of the State of Nevada that all people in the State have equal opportunity to inherit, purchase, lease, rent, sell, hold and convey real property without discrimination, distinction or restriction because of race, ~~religious creed,~~ color, national origin, *religion*, disability, sexual orientation, gender identity or expression, ~~ancestry,~~ familial status or sex.

2. Nothing in ~~this chapter~~ *NRS 118.010 to 118.120, inclusive, and sections 31 to 33.5, inclusive,* ~~, 32 and 33 of this act~~ shall be deemed to render enforceable a conveyance or other contract made by a person who lacks the capacity to contract.

Sec. 35. NRS 118.030 is hereby amended to read as follows:

118.030 As used in NRS 118.010 to 118.120, inclusive, *and sections 31 to 33.5, inclusive,* ~~, 32 and 33 of this act~~, unless the context otherwise requires, the words and terms defined in NRS 118.040 to 118.093, inclusive, *and sections 31 and 32 of this act* have the meanings ascribed to them in those sections.

Sec. 36. NRS 118.045 is hereby amended to read as follows:

118.045 1. "Disability" means, with respect to a person:

- ~~{1.}~~ (a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;
- ~~{2.}~~ (b) A record of such an impairment; or
- ~~{3.}~~ (c) Being regarded as having such an impairment.

2. *The term does not include any current illegal use of or addiction to a controlled substance as defined in 21 U.S.C. § 802(6).*

Sec. 37. NRS 118.060 is hereby amended to read as follows:

118.060 ~~{1.}~~ "Dwelling" means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

~~{2.}—"Dwelling" does not include:~~

~~—(a) A single family house sold or rented by an owner if:~~

~~—(1) The owner does not own more than three single family houses at any one time or the owner does not own any interest in, nor is there owned or reserved on his or her behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three single family houses at any one time; and~~

~~—(2) The house was sold or rented without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, real estate broker salesperson or real estate salesperson licensed pursuant to chapter 645 of NRS.~~

~~—(b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by not more than four families living independently of each other if the owner actually maintains and occupies one of the living quarters as his or her residence and the owner has not within the preceding 12-month period participated:~~

~~—(1) As the principal in three or more transactions involving the sale or rental of any dwelling or any interest therein; or~~

~~—(2) As an agent, otherwise than in the sale of his or her own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein.~~

~~—3. The sale of a single family house by an owner not residing in that house at the time of the sale or who was not the most recent resident of that house before the sale does not bring the house within the definition of "dwelling" unless there is more than one such sale within any 24-month period.]~~

Sec. 38. NRS 118.080 is hereby amended to read as follows:

118.080 "Person" includes ~~the~~ :

1. *One or more natural persons, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trustees, trustees in cases under Title 11 of the United States Code, receivers or fiduciaries;*

2. *The State of Nevada ; and ~~all~~*

3. *All political subdivisions and agencies ~~thereof.~~ of the State.*

Sec. 39. NRS 118.100 is hereby amended to read as follows:

118.100 ~~{A}~~

1. *Except as otherwise provided in subsections 4 and 5, a person shall not, because of race, ~~religious creed,~~ color, religion, national origin, ~~disability,~~ sexual orientation, gender identity or expression, ~~ancestry,~~ familial status , ~~or~~ sex ~~[-]~~ or disability, including, without limitation, the disability of a buyer or renter or any person who may reside in a dwelling after it is sold, rented or made available, or because the buyer or renter is associated with a person who is, or is perceived to be, a member of any class of persons protected by the provisions of NRS 118.010 to 118.120, inclusive, and sections 31 ~~to 33.5, inclusive,~~ , 32 and 33 of this act:*

~~{1.}~~ (a) Refuse to sell or rent or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person.

~~{2.}~~ (b) Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, including the amount of breakage or brokerage fees, deposits or other undue penalties, or in the provision of services or facilities in connection therewith.

~~{3.}~~ (c) Make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination, or an intention to make any preference, limitation or discrimination. As used in this

subsection, "dwelling" includes a house, room or unit described in ~~subsection 2 or 3 of NRS 118.060.~~ paragraphs (a) and (b) of subsection 5.

~~{4.}~~ (d) Represent to any person because of race, ~~{religious creed,}~~ color, religion, national origin, disability, sexual orientation, gender identity or expression, ~~{ancestry,}~~ familial status or sex that any dwelling is not available for inspection, sale or rental when the dwelling is in fact so available.

~~{5.}~~ (e) For profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person of a particular race, ~~{religious creed,}~~ religion, color, national origin, disability, sexual orientation, gender identity or expression, ~~{ancestry,}~~ familial status or sex.

~~{6. Coerce,}~~

(f) Deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or discriminate against any person in the terms or conditions of such access, membership or participation.

2. A person shall not discriminate against any person in making available a residential real estate related transaction, or in the terms or conditions of such a transaction.

3. A person shall not coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed or aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected in ~~{this chapter,}~~ NRS 118.010 to 118.120, inclusive, and sections 31 ~~{to 32.5, inclusive,}~~ 32 and 33 of this act.

4. The provisions of this section:

(a) Do not prohibit a person engaged in the business of furnishing appraisals of real property from considering factors other than race, color, religion, sex, national origin, sexual orientation, gender identity or expression, familial status or disability in performing an appraisal.

(b) Do not prohibit a religious organization, association or society, or a nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental or occupancy of any dwelling which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preferences to such persons, unless membership in the religion is restricted on account of race, color or national origin.

(c) Do not prohibit a private club which is not open to the public and which, as an incident to its primary purposes, provides lodgings that it owns or operates for other than a commercial purpose from limiting the rental or occupancy of those lodgings to its members or from giving preference to its members.

(d) With regard to the prohibition against discrimination based on familial status, do not apply to housing for older persons.

5. Except as otherwise provided in paragraph (c) or (f) of subsection 1 or subsection 2, 3 or 6, the provisions of this section do not apply to:

(a) A single-family house sold or rented by a private individual owner if:

(1) The private individual owner does not own more than three-single-family houses;

(2) The private individual owner does not own any interest in, and there is not owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to any portion of the proceeds from the sale or rental of more than three single-family houses; and

(3) The house is sold or rented:

(I) Without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman licensed under chapter 645 of NRS, other person in the business of selling or renting dwellings or the employee or agent of such a real estate broker, agent or salesman or other person; and

(II) Without the publication, posting or mailing of any advertisement or written notice in violation of paragraph (c) of subsection 1.

(b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by not more than four families living independently of each other if the owner maintains and occupies one of the living quarters as his or her residence.

6. In the event of the sale of a single-family house by a private individual owner who does not reside in the house at the time of the sale or who was not the most recent resident of the house before the sale, the exemption from the provisions of this section set forth in paragraph (a) of subsection 5 applies only with respect to one such sale within any 24-month period.

7. The provisions of this section do not prohibit the use by any person of such attorneys, escrow agents, commissioned abstracters, title companies or other professional assistance as necessary to perfect or transfer title to real property.

8. For the purposes of this section, a person shall be deemed to be in the business of selling or renting dwellings if the person:

(a) Has, within the immediately preceding 12 months, participated as a principal in three or more transactions involving the sale or rental of any dwelling or any interest in a dwelling;

(b) Has, within the immediately preceding 12 months, participated as an agent, other than in the sale of his or her own residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest in a dwelling; or

(c) Is the owner of any dwelling occupied by, or designed or intended for occupancy by, five or more families.

9. As used in this section, unless the context otherwise requires:

(a) "Housing for older persons" means housing that is:

(1) *Provided under any state or federal program which the Secretary of Housing and Urban Development determines is specifically designed and operated to assist elderly persons;*

(2) *Intended for and occupied solely by persons who are 62 years of age or older; or*

(3) *Intended and operated for occupancy by persons who are 55 years of age or older and:*

(I) *At least 80 percent of the occupied units are occupied by at least one person who is 55 years or older; and*

(II) *Applicable rules for verification of occupancy are complied with.*

(b) "Residential real estate related transaction" means:

(1) *The making or purchasing of loans or providing other financial assistance for purchasing, constructing, improving, repairing or maintaining a dwelling;*

(2) *The making or purchasing of loans or providing other financial assistance secured by residential real estate; or*

(3) *The selling, brokering or appraising of residential real estate.*

Sec. 40. NRS 118.101 is hereby amended to read as follows:

118.101 1. A person may not refuse to ~~fr~~

~~—(a) Authorize~~ authorize a person with a disability to make reasonable modifications to a dwelling which he or she occupies or will occupy if:

~~{{(1)}} (a)~~ The person with the disability pays for the modifications; and

~~{{(2)}} (b)~~ The modifications ~~are~~ may be necessary to ~~ensure that~~ afford the person with the disability ~~may use and enjoy~~ the full enjoyment of the dwelling. ~~fr or~~

~~—(b) Make reasonable accommodations in rules, policies, practices or services if those accommodations are necessary to ensure that the person with the disability may use and enjoy the dwelling.~~

2. A landlord may, as a condition for the authorization of such a modification, reasonably require the person who requests the authorization, upon the termination of his or her occupancy, to restore the *interior of the dwelling* to the condition that existed before the modification, reasonable wear and tear excepted.

3. Except as otherwise provided in subsection 4, a landlord may not increase the amount of security the landlord customarily requires a person to deposit because that person has requested authorization to modify a dwelling pursuant to subsection 1.

4. If a person requests authorization to modify a dwelling pursuant to subsection 1, the landlord may require that person to deposit a reasonable amount of security in addition to the amount the landlord usually requires if the additional amount:

(a) Is necessary to ensure the restoration of the dwelling pursuant to subsection 2;

(b) Does not exceed the actual cost of the restoration; and

(c) Is *collected over a reasonable period and* deposited by the landlord in an interest-bearing account. Any interest earned on the additional amount must be paid to the person who requested the authorization.

5. *A person may not refuse to make reasonable accommodations in rules, policies, practices or services which may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling.*

6. As used in this section, "security" has the meaning ascribed to it in NRS 118A.240.

Sec. 41. NRS 118.103 is hereby amended to read as follows:

118.103 1. A covered multifamily dwelling which is designed and constructed for occupancy on or after ~~[March 13, 1991,]~~ *October 1, 2021*, must be constructed in such a manner that the *primary entrance to the* dwelling ~~[contains at least one entrance which]~~ is accessible to a person with a disability unless it is impracticable to so design or construct the dwelling because of the terrain or unusual characteristics of the site upon which it is constructed.

2. ~~[A] Such a~~ covered multifamily dwelling ~~[which contains at least one entrance which is accessible to a person with a disability]~~ must be constructed in such a manner that:

(a) The ~~[common]~~ areas of the dwelling *intended for public use or common use* are readily accessible to and usable by a person with a disability;

(b) The doors of the dwelling are sufficiently wide to allow a person with a disability to enter and exit in a wheelchair;

(c) The units of the dwelling contain:

(1) An accessible route into and through the dwelling;

(2) Reinforcements in the bathroom walls so that bars for use by a person with a disability may be installed therein; and

(3) Kitchens and bathrooms *which are usable by a person in a wheelchair and* in which *such a person* ~~[in a wheelchair]~~ may maneuver; and

(d) The light switches, electrical outlets, thermostats or any other environmental controls in the units of the dwelling are placed in such a manner that they are accessible to a person in a wheelchair.

3. As used in this section, "covered multifamily dwelling" means:

(a) A building which consists of four or more units and contains at least one elevator; ~~[or] and~~

(b) The units located on the ground floor of any other building which consists of four or more units.

Sec. 42. NRS 118.105 is hereby amended to read as follows:

118.105 1. ~~[Except as otherwise provided in subsection 2, a]~~ A landlord ~~[may]~~ *must* not refuse to rent a dwelling subject to the provisions of chapter 118A of NRS to a person with a disability solely because ~~[an]~~ *a service animal which affords the person an equal opportunity to use and enjoy the dwelling* will be residing with the prospective tenant in the dwelling. ~~[If the animal assists, supports or provides service to the person with a disability.]~~

2. ~~[A landlord may require proof that an animal assists, supports or provides service to the person with a disability. This requirement may be~~

satisfied, without limitation, by a statement from a provider of health care that the animal performs a function that ameliorates the effects of the person's disability.] As used in this section, "service animal" has the meaning ascribed to it in NRS 426.097.

Sec. 43. NRS 118.110 is hereby amended to read as follows:

118.110 Any aggrieved person ~~{who claims to have been injured by a discriminatory housing practice or who believes that he or she will be injured by such a practice that is about to occur}~~ may file a complaint with the Commission in the manner prescribed in NRS 233.160 ~~[.] and avail himself or herself of the rights and remedies set forth in NRS 233.165 and sections 14, 15 and 16 of this act.~~

Sec. 44. NRS 118.120 is hereby amended to read as follows:

118.120 ~~{Any}~~

1. *Except as otherwise provided in subsection 2, an aggrieved person may commence an action in any district court in this state to enforce the provisions of NRS 118.100, 207.300, 207.310, 645.321 or 645C.480 and sections 31 ~~to 33.5, inclusive,~~ 32 and 33 of this act not ~~[less]~~ more than 1 year after the date of the occurrence or termination of an alleged violation of any of those provisions. If the court determines that the provisions of any of those sections have been violated by the defendant, and that the plaintiff has been injured thereby, it may enjoin the defendant from continued violation or may take such other affirmative action as may be appropriate, and, in the case of a prevailing plaintiff, may award to the plaintiff actual damages, punitive damages, court costs and a reasonable attorney's fee.*

2. *The limitation on commencing an action set forth in subsection 1 is tolled by the filing of a complaint with the Commission and during the pendency of the complaint before the Commission.*

3. *An aggrieved person may commence a civil action under this section regardless of whether the person has filed a complaint under NRS 118.110, unless the person has entered into a conciliation agreement concerning the complaint or the Commission has commenced a hearing pursuant to section 14 of this act with respect to the matters alleged in the complaint.*

Sec. 45. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 44, inclusive, of this act become effective:

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

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

~~[3. Section 33.5 of this act expires by limitation on June 30, 2022.]~~

Amendment No. 746.

SUMMARY—Revises provisions relating to discrimination in housing. (BDR 18-38)

AN ACT relating to discriminatory practices; revising various provisions relating to discrimination in housing; providing civil penalties and other remedies for certain violations; authorizing the Nevada Equal Rights

Commission to enter into certain agreements with the United States Department of Housing and Urban Development for the Commission to investigate and enforce laws relating to fair housing as a certified agency under federal law; providing that certain conduct relating to seeking an applicant or tenant's arrest record, conviction record or record of criminal history constitutes an unlawful discriminatory practice in housing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Nevada Equal Rights Commission. (NRS 233.030) The Commission is authorized to investigate and conduct hearings concerning acts of prejudice with regard to housing, employment and public accommodation. (NRS 233.150) Existing law also sets forth the Nevada Fair Housing Law to prohibit discrimination in housing. (NRS 118.010-118.120) In addition, the federal Fair Housing Act of 1968, as amended, prohibits discrimination in the sale, rental and financing of dwellings and in other housing related transactions. (42 U.S.C. §§ 3601 et seq.)

Sections 17, 20 and 21 of this bill revise references to the types of discrimination from which persons are protected in Nevada to conform to federal law.

Section 21 of this bill authorizes the Commission to initiate a complaint alleging an unlawful discriminatory practice in housing. Section 23 of this bill requires the Commission to investigate each complaint which alleges an unlawful discriminatory practice in housing and to attempt to resolve the issues raised in the complaint through informal negotiations with the parties. Section 24 of this bill requires the Commission to serve upon an aggrieved person certain information.

Section 14 of this bill establishes new procedures and requirements with respect to investigations and administrative hearings concerning such complaints. Following the Commission's investigation of a complaint, if the Administrator of the Commission determines that probable cause exists to believe that an unlawful discriminatory practice in housing has occurred or is about to occur, the Attorney General is required to: (1) prepare a notice of hearing and serve the notice upon the parties; and (2) unless a party elects to have the matter determined by a court, prepare and prosecute the complaint in a public hearing before the Commission. If the Commission, based on a preponderance of the evidence presented at the hearing, determines that an unlawful discriminatory practice in housing has occurred, the Commission may issue an order to cease and desist, order appropriate injunctive or other equitable relief, award actual damages, impose civil penalties and award costs and attorney's fees. Section 27 of this bill makes a conforming change to eliminate the requirement for the Commission to hold an informal meeting of the parties.

Section 15 of this bill provides for the determination of the complaint by a court instead of the Commission. Section 16 of this bill establishes procedures for the judicial review of a final decision of the Commission. Sections 2-13

and 18 of this bill move the existing definitions in chapter 233 of NRS and define various terms relating to the complaint process. Sections 24-26 and 28 make changes to existing provisions to use these terms.

Section 29 of this bill provides that the provisions of chapter 233 of NRS for judicial review of decisions of the Commission concerning unlawful discriminatory practice in housing prevail over the provisions of the Administrative Procedure Act.

Section 22 of this bill authorizes the Commission to enter into certain agreements with the United States Department of Housing and Urban Development for the Commission to investigate and enforce laws relating to fair housing as a certified agency under federal law.

Section 33 of this bill prohibits, with certain exceptions, a person seeking to rent or lease a dwelling, or renting or leasing a dwelling, from: (1) inquiring into the arrest record, conviction record or record of criminal history of an applicant or tenant; (2) refusing to rent or lease, or refusing to negotiate to rent or lease, a dwelling to an applicant on the basis of the applicant's arrest record, conviction record or record of criminal history; (3) making, printing or publishing any notice or advertisement which indicates a preference based on the arrest record, conviction record or record of criminal history of an applicant; and (4) evicting a tenant from a dwelling on the basis of his or her arrest record, conviction record or record of criminal history for a misdemeanor offense unless the offense occurred on the premises of the dwelling. Section 33 provides that a person may inquire into or conduct a background check into the ~~arrest record,~~ conviction record or record of criminal history of an applicant to determine whether the applicant has certain offenses on his or her record. A person may refuse to rent or lease a dwelling to an applicant who has any such offense on his or her record. Section 33 also requires a person who makes a dwelling available for rent or lease to provide applicants with information regarding these unlawful discriminatory practices and information on how to file an appeal of a denial to rent or lease or file a complaint with the Commission. Section 33 ~~exempts from these provisions:~~ (1) persons who inquire or conduct a background check on an applicant pursuant to the requirements of federal or state law; (2) persons who check the statewide registry of sex offenders and offenders convicted of a crime against a child; (3) persons who make available for rent or lease not more than four individual dwelling units; (4) any action taken to determine whether an applicant for a rental with a week to week tenancy has any outstanding felony warrants pending against him or her; and (5) the rental or lease of a manufactured home. limits the applicability of these provisions to: (1) any dwelling that is owned by a natural person and contains five or more dwelling units; and (2) any dwelling that is owned by a corporation or other business entity. For purposes of section 33, a "dwelling" is defined, with certain exceptions, as: (1) public housing; (2) any housing that is rented or leased to a tenant pursuant to a contract with a housing authority; or (3) any housing which accepts vouchers for rental payment. A "dwelling" does not include: (1) a

manufactured home; or (2) a single family house owned by a natural person or any other housing that is owned by a natural person and has four or fewer dwelling units.

Sections 31, 32 and 34-44 of this bill amend the Nevada Fair Housing Law to conform to federal law. Section 36 of this bill revises the definition of "disability" to exclude any current illegal use of or addiction to a controlled substance. Sections 37 and 38 of this bill revise the definitions of "dwelling" and "person." Sections 31 and 32 define the terms "aggrieved person" and "unlawful discriminatory practice in housing."

Section 39 of this bill revises the prohibited practices which constitute an unlawful discriminatory practice in housing in Nevada. Section 39 prohibits discrimination in real estate related transactions. Section 39 also sets forth certain exceptions to the application of its provisions.

Section 40 of this bill prohibits a person from refusing: (1) to allow a person with a disability to make reasonable modifications to a dwelling which may be necessary to afford the person with a disability full enjoyment of the dwelling, if the person with the disability pays for the modifications; or (2) to make reasonable accommodations in rules, policies, practices or services which may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling.

Section 41 of this bill revises accessibility requirements relating to the design and construction of a covered multifamily dwelling. Section 42 of this bill revises provisions prohibiting a landlord from refusing to rent a dwelling to a person with a disability with a service animal.

Sections 43 and 44 of this bill revise provisions governing civil actions to enforce certain provisions relating to discrimination in housing.

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

Section 1. Chapter 233 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this act.

Sec. 2. *"Administrator" means the Administrator of the Commission.*

Sec. 3. *"Aggrieved person" has the meaning ascribed to it in section 31 of this act.*

Sec. 4. *"Commission" means the Nevada Equal Rights Commission.*

Sec. 5. 1. *"Complainant" means a person by whom, or on whose behalf, a complaint is made which alleges an unlawful discriminatory practice over which the Commission has jurisdiction pursuant to this chapter.*

2. *As used in this section, "person" includes the Commission.*

Sec. 6. *"Conciliation" means the attempted resolution of issues raised by a complaint, or by the investigation of a complaint, through informal negotiations involving the aggrieved person, the respondent and the Commission.*

Sec. 7. *"Disability" has the meaning ascribed to it in NRS 118.045.*

Sec. 8. *"Familial status" has the meaning ascribed to it in NRS 118.065.*

Sec. 9. *"Gender identity or expression" has the meaning ascribed to it in NRS 118.075.*

Sec. 10. *"Member" means a member of the Commission.*

Sec. 11. *"Respondent" means a natural person or other person against whom is made a complaint which alleges an unlawful discriminatory practice over which the Commission has jurisdiction pursuant to this chapter.*

Sec. 12. *"Sexual orientation" has the meaning ascribed to it in NRS 118.093.*

Sec. 13. *"Unlawful discriminatory practice in housing" has the meaning ascribed to it in section 32 of this act.*

Sec. 14. 1. *When a complaint is filed whose allegations if true would support a finding of an unlawful discriminatory practice in housing:*

(a) *The Commission shall, to the extent practicable throughout the complaint process, engage in conciliation with respect to the complaint. If an agreement is reached with regard to the matters alleged in the complaint, no further action may be taken by the complainant or the Commission with regard to the matters alleged in the complaint.*

(b) *Each conciliation agreement between a complainant and a respondent must be approved by the Commission. The Commission may reject any conciliation agreement that it determines is not in the public interest. A conciliation agreement may provide for binding arbitration of the matters alleged in the complaint and for the awarding of any appropriate relief in the arbitration, including, without limitation, monetary relief.*

(c) *The Commission shall make a conciliation agreement public unless the complainant and the respondent agree that it not be made public and the Commission determines that public disclosure of the agreement would not further the purposes of this chapter or NRS 118.010 to 118.120, inclusive, and sections 31, 32 and 33 of this act.*

2. *The Commission shall, at the conclusion of the investigation required by NRS 233.157, prepare a final investigative report containing:*

(a) *The name of and the date of contact with each witness;*

(b) *A summary and the dates of correspondence and other contact with the complainant and the respondent;*

(c) *A summary description of other pertinent records;*

(d) *A summary of witness statements; and*

(e) *Answers to interrogatories.*

➡ *The Commission may amend the final investigative report if additional evidence is discovered.*

3. *If, at the conclusion of the investigation required by NRS 233.157, the Administrator determines that there is not probable cause to believe that an unlawful discriminatory practice in housing has occurred or is about to occur, the Administrator shall dismiss the complaint and notify the complainant and the respondent.*

4. *If, at the conclusion of the investigation required by NRS 233.157, the Administrator determines that there is probable cause to believe that an*

unlawful discriminatory practice in housing has occurred or is about to occur, and attempts at conciliation have failed:

(a) The Attorney General shall prepare a notice of hearing which complies with the requirements of NRS 233B.121 and serve a copy of the notice upon the complainant, the aggrieved person and the respondent, together with notice of the right to elect, in lieu of the hearing, to have the matter determined in a civil action in a court of competent jurisdiction pursuant to section 15 of this act.

(b) Any aggrieved person may intervene as a party in the proceeding.

5. Unless an election is made to have the matter determined in a court of competent jurisdiction pursuant to section 15 of this act, the Commission shall hold a public hearing on the matter in conformance with the requirements of chapter 233B of NRS, except that the provisions of subsection 5 of NRS 233B.121 and NRS 233B.124 do not apply to the hearing. The Attorney General shall prepare and prosecute the complaint on behalf of the complainant.

6. If, after a hearing held pursuant to subsection 5, the Commission determines, based on a preponderance of the evidence, that an unlawful discriminatory practice in housing has occurred, the Commission shall serve a copy of its findings of fact and conclusions of law upon the complainant, the aggrieved persons and the respondent within 10 days after such a finding and may:

- (a) Order the respondent to cease and desist from the unlawful practice;*
- (b) Order such injunctive or other equitable relief as may be appropriate;*
- (c) Award actual damages to the complainant;*
- (d) Impose upon the respondent:*

(1) Except as otherwise provided in this paragraph, a civil penalty of not more than \$16,000;

(2) If the respondent has been adjudged in a separate action to have committed any violation of NRS 118.010 to 118.120, inclusive, and sections 31, 32 and 33 of this act within the 5-year period immediately preceding the filing of the complaint, a civil penalty of not more than \$37,500; or

(3) If the respondent has been adjudged in one or more separate actions to have committed two or more violations of NRS 118.010 to 118.120, inclusive, and sections 31, 32 and 33 of this act within the 7-year period immediately preceding the filing of the complaint, a civil penalty of not more than \$65,000; and

(e) Award costs and reasonable attorneys' fees to the complainant.

7. If, after a hearing held pursuant to subsection 5, the Commission determines, based on a preponderance of the evidence, that an unlawful discriminatory practice in housing has not occurred, the Commission:

(a) Shall dismiss the matter and make the dismissal public; and

(b) May, upon motion of the respondent, award costs and reasonable attorney's fees to the respondent if the Commission determines that the

complaint, had it been filed with a court, would have violated and been grounds for sanctions under Rule 11 of the Nevada Rules of Civil Procedure.

8. Any resolution of a complaint before a final order of the Commission following a hearing held pursuant to subsection 5 must, to the extent practicable, be agreed to by the aggrieved person.

9. If the respondent fails to comply with a final order of the Commission, the Commission shall apply to the district court for an order compelling compliance. If the court finds that the respondent has violated the order by failing to cease and desist from the unlawful practice, failing to make any payment ordered or otherwise failing to comply with the order, the court shall award the aggrieved person actual damages caused by the noncompliance.

10. After the Commission has held a public hearing and rendered a decision, the complainant is barred from proceeding on the same facts and legal theory before any other administrative body or officer.

Sec. 15. 1. If, pursuant to subsection 4 of section 14 of this act, the Administrator has determined that there is probable cause to believe that an unlawful discriminatory practice in housing has occurred or is about to occur, and attempts at conciliation have failed, the complainant, the aggrieved person or the respondent may, in lieu of a hearing before the Commission pursuant to section 14 of this act, elect to have the claims of an unlawful discriminatory practice in housing that were set forth in the complaint decided by a court of competent jurisdiction.

2. The election must be made in writing and be received by the Commission not later than 20 days after the date on which the notice was served as required by subsection 4 of section 14 of this act.

3. The Attorney General shall, if requested by the complainant or the aggrieved person, prepare, file and litigate a civil action on behalf of the complainant or the aggrieved person.

4. Any aggrieved person, with respect to the issues to be determined in the civil action, may intervene as a matter of right in the civil action.

5. If the court, based on a preponderance of the evidence, determines that the defendant has committed or is about to commit an unlawful discriminatory practice in housing, the court may:

(a) Award actual and punitive damages to the complainant or the aggrieved person, except that the court may not award monetary damages to an aggrieved person who does not intervene if that aggrieved person has not complied with discovery orders entered by the court;

(b) Award costs and reasonable attorney's fees to the complainant or the aggrieved person; and

(c) Order such other relief as the court determines appropriate, including, without limitation:

(1) Ordering a permanent or temporary injunction;

(2) Issuing a temporary restraining order; or

(3) Enjoining the defendant from engaging in the unlawful practice or ordering such other affirmative action as the court determines appropriate.

6. If the court, based on a preponderance of the evidence, determines that the defendant has not committed and is not about to commit an unlawful discriminatory practice in housing, the court shall dismiss the action and may, upon the motion of the defendant, award costs and reasonable attorney's fees to the defendant if the court determines that the complaint was prosecuted in violation of Rule 11 of the Nevada Rules of Civil Procedure.

7. The Commission shall notify the complainant, all aggrieved persons and the respondent of the court's decision in any action filed pursuant to this section.

Sec. 16. 1. An order of the Commission issued pursuant to section 14 of this act in a complaint alleging an unlawful discriminatory practice in housing is a final decision in a contested case for the purpose of judicial review.

2. Any person identified as a party of record in a hearing before the Commission on a complaint alleging an unlawful discriminatory practice in housing who is aggrieved by a final decision of the Commission may request judicial review.

3. A petition for judicial review must:

(a) Name as respondents the Commission and all parties of record to the hearing;

(b) Be instituted by filing the petition in the district court in and for Carson City, in and for the county in which the aggrieved party resides or in and for the county in which the hearing occurred; and

(c) Be filed within 30 days after service of the final decision of the Commission.

4. A cross-petition for judicial review must be filed within 10 days after service of a petition for judicial review.

5. The Commission and any party wishing to participate in the judicial review must file a statement of intent to participate in the petition for judicial review and serve the statement upon the petitioner and each named respondent within 20 days after service of the petition.

6. The petition for judicial review and any cross-petition for judicial review must be served upon the Commission and each party of record within 45 days after the filing of the petition, unless, upon a showing of good cause, the district court extends the time for such service.

7. The Commission shall, within 30 days after receipt of service of the petition for judicial review or such time as allowed by the court, transmit to the court the original or a certified copy of the entire record of the proceeding under review, including, without limitation, a transcript of the evidence resulting in the final decision of the Commission. The record may be shortened by stipulation of the parties to the proceeding. If the court determines that a party has unreasonably refused to stipulate to limit the record, the court may assess any additional costs resulting from the refusal against that party. The court may require or permit subsequent corrections or additions to the record.

8. If, before submission to the court, an application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of

the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the Commission, the court may order that the additional evidence and any rebuttal evidence be taken before the Commission upon such conditions as the court determines appropriate. After receipt of any additional evidence, the Commission:

- (a) May modify its findings and decision; and*
- (b) Shall file the evidence and any modification, new finding or decision with the court.*

9. A petitioner or cross-petitioner who is seeking judicial review shall serve and file a memorandum of points and authorities within 40 days after the Commission gives written notice to the parties that the record of the proceeding under review has been filed with the court.

10. The respondent or cross-petitioner shall serve and file a reply memorandum of points and authorities within 30 days after service of the memorandum of points and authorities.

11. The petitioner or cross-petitioner may serve and file a reply memoranda of points and authorities within 30 days after service of the reply memorandum.

12. Within 7 days after the expiration of the period within which the petitioner is required to reply, any party may request a hearing. Unless a request for a hearing has been filed, the matter shall be deemed submitted.

13. All memoranda of points and authorities filed in proceedings involving petitions for judicial review must be in the form provided for appellate briefs in Rule 28 of the Nevada Rules of Appellate Procedure.

14. The court, for good cause, may extend the times allowed in this section for filing memoranda.

15. Judicial review of a final decision of the Commission must be:

- (a) Conducted by the court without a jury; and*
- (b) Confined to the record.*

➡ In cases concerning alleged irregularities in procedure before the Commission that are not shown in the record, the court may receive evidence concerning the irregularities.

16. The final decision of the Commission shall be deemed reasonable and lawful until reversed or set aside in whole or in part by the court. The burden of proof is on the party attacking or resisting the decision to show that the final decision is invalid pursuant to subsection 17.

17. The court shall not substitute its judgment for that of the Commission as to the weight of evidence on a question of fact. The court may remand or affirm the final decision or set it aside in whole or in part if substantial rights of the petitioner have been prejudiced because the final decision of the Commission is:

- (a) In violation of any constitutional or statutory provision;*
- (b) In excess of the statutory authority of the Commission;*
- (c) Made upon unlawful procedure;*
- (d) Affected by other error of law;*

(e) *Clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or*

(f) *Arbitrary or capricious or characterized by abuse of discretion.*

18. *A petitioner who applies for a stay of the final decision of the Commission shall file and serve a written motion for the stay on the Commission and all parties of record to the proceeding at the time of filing the petition for judicial review. The petitioner must provide security before the court may issue a stay.*

19. *In determining whether to grant a stay, the court shall consider the same factors as are considered for a preliminary injunction under Rule 65 of the Nevada Rules of Civil Procedure.*

20. *In making a ruling, the court shall:*

(a) *Give deference to the Commission; and*

(b) *Consider the risk to the public, if any, of staying the decision of the Commission.*

21. *An aggrieved party may obtain a review of any final judgment of the district court by appeal to the Nevada Supreme Court. The appeal may be taken as in other civil cases.*

Sec. 17. NRS 233.010 is hereby amended to read as follows:

233.010 1. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek and obtain housing accommodations without discrimination, distinction or restriction because of race, religious creed, color, age, sex, disability, *familial status*, sexual orientation, gender identity or expression, national origin or ancestry.

2. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek and be granted services in places of public accommodation without discrimination, distinction or restriction because of race, ~~religious creed,~~ *religion*, color, age, sex, disability, sexual orientation, national origin ~~ancestry~~ or gender identity or expression.

3. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek, obtain and hold employment without discrimination, distinction or restriction because of race, ~~religious creed,~~ *religion*, color, age, sex, disability, sexual orientation, gender identity or expression ~~or~~ *or* national origin ~~ancestry~~.

4. It is recognized that the people of this State should be afforded full and accurate information concerning actual and alleged practices of discrimination and acts of prejudice, and that such information may provide the basis for formulating statutory remedies of equal protection and opportunity for all citizens in this State.

Sec. 18. NRS 233.020 is hereby amended to read as follows:

233.020 As used in this chapter ~~the~~

- ~~1. "Administrator" means the Administrator of the Commission.~~
- ~~2. "Commission" means the Nevada Equal Rights Commission within the Department of Employment, Training and Rehabilitation.~~
- ~~3. "Disability" means, with respect to a person:~~
 - ~~(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;~~
 - ~~(b) A record of such an impairment; or~~
 - ~~(c) Being regarded as having such an impairment.~~
- ~~4. "Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.~~
- ~~5. "Member" means a member of the Nevada Equal Rights Commission.~~
- ~~6. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.], unless the context otherwise requires, the words and terms defined in sections 2 to 13, inclusive, of this act have the meanings ascribed to them in those sections.~~

Sec. 19. NRS 233.085 is hereby amended to read as follows:

233.085 The Governor may designate another agency to perform the duties and functions of the Commission set forth in NRS 233.150 ~~[-233.160, 233.165 and 233.170.]~~ and 233.157 to 233.170, inclusive, and sections 14, 15 and 16 of this act.

Sec. 20. NRS 233.140 is hereby amended to read as follows:

233.140 The Commission shall:

1. Foster mutual understanding and respect among all groups, including, without limitation, those based on race, religion, disability, ethnicity, sexual orientation and gender identity or expression, and between the sexes in the State.

2. Aid in securing equal health and welfare services and facilities for all the residents of the State without regard to race, *color*, religion, sex, sexual orientation, gender identity or expression, age, disability, *familial status* or ~~[nationality.]~~ *national origin*.

3. Study problems arising between groups within the State which may result in tensions, discrimination or prejudice because of race, color, ~~[creed,]~~ *religion*, sex, sexual orientation, gender identity or expression, age, disability, *familial status* or *national origin*, ~~[or ancestry.]~~ and formulate and carry out programs of education and disseminate information with the object of discouraging and eliminating any such tensions, prejudices or discrimination.

4. Secure the cooperation of various groups, including, without limitation, those based on race, religion, sex, sexual orientation, gender identity or expression, age, disability, nationality and ethnicity, veterans' organizations, labor organizations, business and industry organizations and fraternal, benevolent and service groups, in educational campaigns devoted to the need for eliminating group prejudice, racial or area tensions, intolerance or discrimination.

5. Cooperate with and seek the cooperation of federal and state agencies and departments in carrying out projects within their respective authorities to eliminate intergroup tensions and to promote intergroup harmony.

6. Develop and carry out programs of education and disseminate information as necessary to inform employers, employees, employment agencies and job applicants about their rights and responsibilities set forth in NRS 613.4353 to 613.4383, inclusive.

Sec. 21. NRS 233.150 is hereby amended to read as follows:

233.150 The Commission may:

1. Order its Administrator to:

(a) With regard to public accommodation, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, ~~creed,~~ religion, sex, age, disability, *familial status*, sexual orientation, national origin ~~ancestry~~ or gender identity or expression and may conduct hearings with regard thereto.

(b) With regard to housing, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, ~~creed,~~ religion, sex, age, disability, *familial status*, sexual orientation, gender identity or expression ~~or national origin , ancestry,~~ and may conduct hearings with regard thereto.

(c) With regard to employment, investigate:

(1) Tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, ~~creed,~~ religion, sex, age, disability, *familial status*, sexual orientation, gender identity or expression ~~or national origin , ancestry,~~ and may conduct hearings with regard thereto; and

(2) Any unlawful employment practice by an employer pursuant to the provisions of NRS 613.4353 to 613.4383, inclusive, and may conduct hearings with regard thereto.

2. Mediate between or reconcile the persons or groups involved in those tensions, practices and acts.

3. Issue subpoenas for the attendance of witnesses or for the production of documents or tangible evidence relevant to any investigations or hearings conducted by the Commission.

4. Delegate its power to hold hearings and issue subpoenas to any of its members or any hearing officer in its employ.

5. *Initiate a complaint against an unlawful discriminatory practice in housing.*

6. Adopt reasonable regulations necessary for the Commission to carry out the functions assigned to it by law.

Sec. 22. NRS 233.153 is hereby amended to read as follows:

233.153 1. The Commission ~~shall not~~ *may* contract with or enter into a memorandum of understanding with the United States Department of Housing and Urban Development for the Commission to investigate and enforce laws relating to fair housing as a certified agency . ~~unless the~~

~~Legislature, by resolution or other appropriate legislative measure, expressly authorizes the Commission to do so.]~~

2. As used in this section:

(a) "Certified agency" has the meaning ascribed to it in 24 C.F.R. § 115.100(c). The term refers to the certification of an agency as substantially equivalent as described in 42 U.S.C. § 3610(f)(3)(A) and 24 C.F.R. Part 115, Subpart B.

(b) "Memorandum of understanding" means the memorandum of understanding described in 24 C.F.R. § ~~{115.210.}~~ 115.205.

Sec. 23. NRS 233.157 is hereby amended to read as follows:

233.157 1. The Commission shall accept any complaint alleging an unlawful discriminatory practice over which it has jurisdiction pursuant to this chapter.

2. The Commission shall adopt regulations setting forth the manner in which the Commission will process ~~{any such}~~ a complaint ~~{and}~~ received pursuant to subsection 1.

3. *If a complaint alleges an unlawful discriminatory practice in employment or public accommodations, the Commission shall determine whether to hold an informal settlement meeting or conduct an investigation concerning the complaint.*

4. *If a complaint alleges an unlawful discriminatory practice in housing, the Commission shall investigate the complaint and shall, to the extent practicable, engage in conciliation with respect to the complaint.*

Sec. 24. NRS 233.160 is hereby amended to read as follows:

233.160 1. A complaint which alleges unlawful discriminatory practices in:

(a) Housing must be filed with the Commission not later than 1 year after the date of the occurrence of the alleged practice or the date on which the practice terminated.

(b) Employment or public accommodations must be filed with the Commission not later than 300 days after the date of the occurrence of the alleged practice.

➡ A complaint is timely if it is filed with an appropriate federal agency within that period. A complainant shall not file a complaint with the Commission if any other state or federal administrative body or officer which has comparable jurisdiction to adjudicate complaints of discriminatory practices has made a decision upon a complaint based upon the same facts and legal theory.

2. The complainant shall specify in the complaint the alleged unlawful practice and sign it under oath.

3. The Commission shall send to the ~~{party against whom an unlawful discriminatory practice is alleged.}~~ respondent:

(a) A copy of the complaint;

(b) An explanation of the rights which are available to ~~{that party.}~~ the respondent; and

(c) A copy of the Commission's procedures.

4. The Commission shall notify each party to the complaint of the limitation on the period of time during which a person may apply to the district court for relief pursuant to NRS 613.430.

5. If a person files a complaint pursuant to paragraph (b) of subsection 1 which alleges an unlawful discriminatory practice in employment, the Commission shall, as soon as practicable after receiving the complaint, notify in writing the person who filed the complaint that the person may request the Commission to issue a right-to-sue notice pursuant to NRS 613.412.

6. For the purposes of paragraph (b) of subsection 1, an unlawful discriminatory practice in employment which relates to compensation occurs on:

(a) Except as otherwise provided in paragraph (b), the date prescribed by 42 U.S.C. § 2000e-5(e)(3)(A), as it existed on January 1, 2019.

(b) If 42 U.S.C. § 2000e-5(e)(3)(A) is amended and the Commission determines by regulation that the section, as amended, provides greater protection for employees than the section as it existed on January 1, 2019, the date prescribed by 42 U.S.C. § 2000e-5(e)(3)(A), as amended.

7. *If a person files a complaint pursuant to paragraph (a) of subsection 1 which alleges an unlawful discriminatory practice in housing:*

(a) The Commission shall, not later than 10 days after receiving the complaint:

(1) Serve upon the aggrieved person:

(I) Notice that the complaint was filed with the Commission;

(II) A copy of the procedures of the Commission;

(III) The information set forth in sections 14 and 15 of this act; and

(IV) Information relating to the state and federal administrative bodies and courts with which the aggrieved person may file the complaint.

(2) Send to the respondent the information set forth in subsection 3.

(b) The respondent may file with the Commission an answer to the complaint not later than 10 days after the respondent receives the information set forth in subsection 3.

(c) A person who is not named as a respondent but who is identified as a respondent in the course of the investigation may be joined as an additional or substitute respondent upon written notice from the Commission to that person.

Sec. 25. NRS 233.165 is hereby amended to read as follows:

233.165 1. ~~{If the Commission determines to conduct}~~ *In conducting an investigation of a complaint which alleges an unlawful discriminatory practice in housing in accordance with the regulations adopted pursuant to NRS 233.157, the Commission ~~{must}~~ shall:*

(a) Begin ~~{an}~~ the investigation of the complaint within 30 days after it receives the complaint.

(b) Complete its investigation of the complaint within 100 days after it receives the complaint unless it is impracticable to do so.

(c) Make a final disposition of the complaint within 1 year after the date it receives the complaint unless it is impracticable to do so.

2. If the Commission determines that it is impracticable to complete an investigation or make a final disposition of a complaint which alleges an unlawful discriminatory practice in housing within the period prescribed in subsection 1, the Commission shall send to the complainant and the ~~{person against whom the complaint was filed}~~ *respondent* a statement setting forth its reasons for not completing the investigation or making a final disposition of the complaint within that period.

Sec. 26. NRS 233.170 is hereby amended to read as follows:

233.170 1. When a complaint is filed whose allegations if true would support a finding of *an* unlawful practice ~~{, the}~~ *in employment or public accommodations*:

(a) *The* Commission shall determine whether to hold an informal meeting to attempt a settlement of the dispute in accordance with the regulations adopted pursuant to NRS 233.157. If the Commission determines to hold an informal meeting, the Administrator may, to prepare for the meeting, request from each party any information which is reasonably relevant to the complaint. No further action may be taken if the parties agree to a settlement.

~~{2.}~~ (b) If an agreement is not reached at the informal meeting, the Administrator shall determine whether to conduct an investigation into the alleged unlawful practice in accordance with the regulations adopted pursuant to NRS 233.157. After the investigation, if the Administrator determines that an unlawful practice has occurred, the Administrator shall attempt to mediate between or reconcile the parties. The ~~{party against whom a complaint was filed}~~ *respondent* may agree to cease the unlawful practice. If an agreement is reached, no further action may be taken by the complainant or by the Commission.

~~{3.}~~ (c) If the attempts at mediation or conciliation fail, the Commission may hold a public hearing on the matter ~~{, After}~~ *in accordance with the requirements of chapter 233B of NRS.*

2. *If, after the hearing* ~~{, if}~~ *held pursuant to paragraph (c) of subsection 1,* the Commission determines that an unlawful practice has occurred, ~~{it may,}~~ *the Commission:*

(a) ~~{Serve}~~ *Shall serve* a copy of its findings of fact within 10 calendar days upon any ~~{person}~~ *respondent* found to have engaged in the unlawful practice; and

(b) ~~{Order}~~ *May order* the ~~{person}~~ *respondents* to:

(1) Cease and desist from the unlawful practice. The order must include, without limitation, the corrective action the ~~{person}~~ *respondent* must take.

(2) In cases involving an unlawful employment practice, restore all benefits and rights to which the aggrieved person is entitled, including, but not limited to, rehiring, back pay for a period described in subsection ~~{4.}~~ 3, annual leave time, sick leave time or pay, other fringe benefits and seniority, with interest thereon from the date of the Commission's decision at a rate equal to

the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date of the Commission's decision, plus 2 percent. The rate of interest must be adjusted accordingly on each January 1 and July 1 thereafter until the judgment is satisfied.

(3) In cases involving an unlawful employment practice relating to discrimination on the basis of sex, pay an amount determined to be appropriate by the Commission for lost wages that would have been earned in the absence of discrimination or other economic damages resulting from the discrimination, including, without limitation, lost payment for overtime, shift differential, cost of living adjustments, merit increases or promotions, or other fringe benefits.

(4) In cases involving an unlawful employment practice committed by an employer with 50 or more employees that the Commission determines was willful, pay a civil penalty of:

(I) For the first unlawful employment practice that the ~~{person}~~ *respondent* has engaged in during the immediately preceding 5 years which the Commission determines was willful, not more than \$5,000.

(II) For the second unlawful employment practice that the ~~{person}~~ *respondent* has engaged in during the immediately preceding 5 years which the Commission determines was willful, not more than \$10,000.

(III) For the third and any subsequent unlawful employment practice that the ~~{person}~~ *respondent* has engaged in during the immediately preceding 5 years which the Commission determines was willful, not more than \$15,000.

~~{4.}~~ 3. For the purposes of subparagraph (2) of paragraph (b) of subsection ~~{3.}~~ 2, the period for back pay must not exceed a period beginning 2 years before the date on which the complaint was filed and ending on the date the Commission issues an order pursuant to paragraph (b) of subsection ~~{3.}~~ 2.

~~{5.}~~ 4. Before imposing a civil penalty pursuant to subparagraph (4) of paragraph (b) of subsection ~~{3.}~~ 2, the Commission must allow the ~~{person}~~ *respondent* found to have willfully engaged in an unlawful employment practice 30 days to take corrective action from the date of service of the order pursuant to paragraph (a) of subsection ~~{3.}~~ 2. If the ~~{person}~~ *respondent* takes such corrective action, the Commission shall not impose the civil penalty.

~~{6.}~~ 5. The order of the Commission is a final decision in a contested case for the purpose of judicial review. If the ~~{person}~~ *respondent* fails to comply with the Commission's order, the Commission shall apply to the district court for an order compelling such compliance, but failure or delay on the part of the Commission does not prejudice the right of an aggrieved party to judicial review. The court shall issue the order unless it finds that the Commission's findings or order are not supported by substantial evidence or are otherwise arbitrary or capricious. If the court upholds the Commission's order and finds that the ~~{person}~~ *respondent* has violated the order by failing to cease and desist

from the unlawful practice or to make the payment ordered, the court shall award the aggrieved party actual damages for any economic loss and no more.

~~{7.}~~ 6. After the Commission has held a public hearing and rendered a decision, the complainant is barred from proceeding on the same facts and legal theory before any other administrative body or officer.

~~{8.}~~ 7. For the purposes of this section, an unlawful employment practice shall be deemed to be willful if a person engages in the practice with knowledge that it is unlawful or with reckless indifference to whether it is lawful or unlawful.

Sec. 27. NRS 233.180 is hereby amended to read as follows:

233.180 If, after the Administrator has conducted a preliminary investigation into an alleged unlawful discriminatory practice in housing, employment or public accommodations, the Commission determines that the practice will cause immediate and irreparable harm to any person aggrieved by the practice, the Commission, ~~{after the informal meeting and}~~ before holding a public hearing upon the matter, may apply on behalf of such person to the district court for a temporary restraining order or preliminary injunction as provided in the Nevada Rules of Civil Procedure.

Sec. 28. NRS 233.190 is hereby amended to read as follows:

233.190 1. Except as otherwise provided in this section or NRS 239.0115, *or paragraph (c) of subsection 1 of section 14 of this act*, any information gathered by the Commission in the course of its investigation of an alleged unlawful discriminatory practice in housing, employment or public accommodations is confidential.

2. Except as otherwise provided in subsection 5, the Commission may disclose information gathered pursuant to subsection 1 to:

(a) Any governmental entity as appropriate or necessary to carry out its duties pursuant to this chapter; or

(b) To any other person if the information is provided in a manner which does not include any information that may be used to identify the complainant, the ~~{party against whom the unlawful discriminatory practice is alleged}~~ *respondent* or any person who provided information to the Commission during the investigation.

3. Except as otherwise provided in subsection 4, the Commission shall disclose information gathered pursuant to subsection 1 to the complainant and the ~~{party against whom the unlawful discriminatory practice is alleged}~~ *respondent* if:

(a) Each has consented to such disclosure; or

(b) The Commission has determined to conduct a hearing on the matter or apply for a temporary restraining order or an injunction or an action has been filed in court concerning the complaint.

4. The Commission may not disclose to the complainant or the ~~{party against whom the unlawful discriminatory practice is alleged}~~ *respondent*.

(a) Any information obtained during negotiations for a settlement or attempts at mediating or conciliating the complaint.

(b) Any investigative notes or reports made by the Commission.

(c) Any information that may be used to identify a person who provided information to the Commission during the investigation and who has requested anonymity.

5. After the filing of a complaint with the Commission, access to information related to the complaint must be limited only to such staff of the Commission as is necessary to carry out the duties of the Commission relating to the complaint. Such staff shall not disclose such information to the other officers and employees of the Department of Employment, Training and Rehabilitation, including, without limitation, supervisors and the Director of the Department, unless the disclosure is necessary to carry out the duties of the Commission relating to the complaint.

6. Except as otherwise provided in this section or NRS 239.0115, *or paragraph (c) of subsection 1 of section 14 of this act*, if the Commission's attempts at mediating or conciliating the cause of the grievance succeed, the information gathered pursuant to subsection 1 must remain confidential.

7. If the Commission proceeds with a hearing or applies for injunctive relief, confidentiality concerning any information, except negotiations for a settlement or attempts at mediating or conciliating the cause of the grievance, is no longer required.

Sec. 29. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in NRS 209.221, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The Nevada Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.

(g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(j) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(k) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(l) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.

(m) The Silver State Health Insurance Exchange.

(n) The Cannabis Compliance Board.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the adoption of an emergency regulation or the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) *Chapter 233 of NRS for the judicial review of decisions of the Nevada Equal Rights Commission concerning an unlawful discriminatory practice in housing;*

(d) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

~~[(d)]~~ (e) NRS 90.800 for the use of summary orders in contested cases, ➡ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;

(d) The judicial review of decisions of the Public Utilities Commission of Nevada;

(e) The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 426.561 or 615.178;

(f) The adoption or amendment of a rule or regulation to be included in the State Plan for Services for Victims of Crime by the Department of Health and Human Services pursuant to NRS 217.130;

(g) The adoption, amendment or repeal of rules governing the conduct of contests and exhibitions of unarmed combat by the Nevada Athletic Commission pursuant to NRS 467.075; or

(h) The adoption, amendment or repeal of regulations by the Director of the Department of Health and Human Services pursuant to NRS 447.335 to 447.350, inclusive.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 30. Chapter 118 of NRS is hereby amended by adding thereto the provisions set forth as sections 31, 32 and 33 of this act.

Sec. 31. *"Aggrieved person" means any person who:*

1. *Claims to have been injured by an unlawful discriminatory practice in housing; or*

2. *Believes that he or she will be injured by an unlawful discriminatory practice in housing that is about to occur.*

Sec. 32. *"Unlawful discriminatory practice in housing" means a practice prohibited by NRS 118.100 and section 33 of this act.*

Sec. 33. 1. *Except as otherwise provided in ~~subsections 2 and 3,~~ this section, it is an unlawful discriminatory practice for any person to:*

(a) Inquire into or conduct a background check to determine the arrest record, conviction record or record of criminal history of an applicant for the rental or lease of a dwelling or a tenant;

(b) Refuse to rent or lease or refuse to negotiate for the rental or lease of, or otherwise make unavailable, a dwelling to an applicant because of any arrest record, conviction record or record of criminal history;

(c) Make, print or publish, or cause to be made printed or published, any notice, statement or advertisement with respect to the rental or lease of a dwelling that indicates any preference, limitation or discrimination, or an intention to make any preference, limitation or discrimination, on the basis of an applicant's arrest record, conviction record or record of criminal history; or

(d) Evict a tenant on the basis of an arrest record, conviction record or record of criminal history for a misdemeanor offense unless the misdemeanor offense occurred on the premises of the dwelling that is being rented or leased to the tenant.

2. *A person may inquire into or conduct a background check to determine whether an applicant for the rental or lease of a dwelling has ~~an arrest record,~~ a conviction record or record of criminal history that includes:*

(a) First degree arson pursuant to NRS 205.010, or the equivalent offense in another jurisdiction, ~~for~~, within the immediately preceding year;

(b) At least two instances of second, third or fourth degree arson pursuant to NRS 205.015, 205.020 or 205.025, or the equivalent offense in another jurisdiction, within the immediately preceding year ~~;~~ ;

(c) A violent or sexual offense as defined in NRS 202.876, or the equivalent offense in another jurisdiction; or

(d) If the rental or lease is being made available by a public housing authority and the public housing authority has adopted a policy to use such offenses as a basis for denying the rental or lease in the public housing and has made a list of the offenses publicly available, any offense set forth in 24 C.F.R. § 982.553 as a permissive prohibition, other than drug-related criminal offenses related to cannabis from another jurisdiction, if such offense would not be a criminal offense in this State.

➡ A person who inquires into or conducts a background check in accordance this subsection may refuse to rent or lease, refuse to negotiate for the rental or lease of, or otherwise make unavailable a dwelling on the basis of ~~an arrest record,~~ a conviction record or record of criminal history for the offenses set forth in this subsection.

3. A person ~~who makes a dwelling available for rent or lease and~~ who is subject to this provisions of this section shall provide to each applicant for the rental or lease of a dwelling information on:

(a) The provisions of this section and NRS 118.110 and 118.120;

(b) How the applicant may appeal a denial for a rental or lease of a dwelling in public housing to a public housing authority; and

(c) How the applicant may file a complaint with the Commission pursuant to NRS 233.160 if the applicant believes that his or her application was denied on the basis of an unlawful discriminatory practice.

4. The provisions of this section :

(a) Except as otherwise provided in paragraph (b), apply to the rental or lease, including, without limitation, ~~to a rental with~~ a week to week tenancy, of ~~any dwelling in:~~

~~—(a) Public or private housing or a premises which; :~~

(1) Any dwelling that is owned by a natural person ~~who makes available for rent or lease that~~ and contains ~~not less than~~ five ~~individual~~ or more dwelling units; and

~~—(b) Public or private housing or a premises made available for rent or lease by a person who own or holds any interest in, title to or any right to any portion of the proceeds from the rental of more than five single family houses or multi family houses;~~

~~—(c)~~ (2) Any dwelling that is owned by a corporation or other business entity.

(b) Do not apply to ~~any~~ any action taken by a person:

(1) ~~Any actions taken by a person pursuant~~ Pursuant to any federal or state law or regulation that requires the person to inquire into or conduct a background check to determine the arrest record, conviction record or criminal history of an applicant and exclude certain applicants based on certain types of criminal history, including, without limitation, the provisions of NRS 315.031, 42 U.S.C. § 13663 and 24 C.F.R. § 982.553.

(2) ~~[Any actions taken by a person to]~~ To review the statewide registry of sex offenders and offenders convicted of a crime against a child established pursuant to NRS 179B.200.

(3) ~~[The rental of a room or unit in a dwelling by a person who makes available for rent or lease not more than four individual dwelling rooms or units.~~

~~— (4) Any action taken by a person who]~~ Who makes available for rent a dwelling for tenancy on a week to week basis to determine whether an applicant has any outstanding felony warrants pending against him or her.

~~[(5) The rental or lease of a manufactured home.]~~

5. As used in this section:

(a) "Applicant" means a person who:

(1) Seeks information about, visits or applies to rent or lease a dwelling;

(2) Applies for a housing rental assistance program, including, without limitation, the Housing Choice Voucher Program pursuant to section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f; or

(3) Seeks to be added to an existing lease for a dwelling.

(b) "Arrest record" means any information indicating that a person has been apprehended, detained, taken into custody, held for investigation or restrained by a law enforcement department of military authority due to an accusation or suspicion that a person committed a crime. The term includes pending criminal charges where an accusation has not resulted in a final judgment, acquittal, conviction, plea, dismissal or withdrawal.

(c) "Background check" means any report regarding the arrest record, conviction record or record of criminal history of a person intended to obtain the person's record of criminal history.

(d) "Conviction record" means any information regarding a final adjudication or other criminal disposition adverse to a person. The term includes, without limitation, dispositions for which the defendant received a deferred or suspended sentence, unless the adverse disposition has been vacated or expunged.

(e) "Dwelling" :

~~(1) Except as otherwise provided in subparagraph (2), means:~~

~~[(1)] (I) Public housing ; [as that term is defined in NRS 315.021;~~

~~— (2)] (II) Any housing for premises that are] that is rented or leased to a tenant pursuant to a contract with a housing authority ; [as those terms are defined in NRS 315.021;]~~ or

~~[(3)] (III) Any housing [or premises] which accepts rental payments of vouchers from a federal, state or local housing voucher program.~~

(2) Does not include:

~~(I) A manufactured home; or~~

~~(II) A single-family house owned by a natural person or any other housing that is owned by a natural person and has four or fewer dwelling units.~~

(f) "Dwelling unit" means a building or a portion of a building planned, designed or used as a residence for one family only, living independently of

other families or persons, and having its own bathroom and housekeeping facilities included in the unit.

(g) "Housing authority" has the meaning ascribed to it in NRS 315.021.

(h) "Public housing" has the meaning ascribed to it in NRS 315.021.

(i) "Record of criminal history" has the meaning ascribed to it in NRS 179A.070.

Sec. 33.5. (Deleted by amendment.)

Sec. 34. NRS 118.020 is hereby amended to read as follows:

118.020 1. It is hereby declared to be the public policy of the State of Nevada that all people in the State have equal opportunity to inherit, purchase, lease, rent, sell, hold and convey real property without discrimination, distinction or restriction because of race, ~~religious creed,~~ color, national origin, religion, disability, sexual orientation, gender identity or expression, ~~ancestry,~~ familial status or sex.

2. Nothing in ~~this chapter~~ NRS 118.010 to 118.120, inclusive, and sections 31, 32 and 33 of this act shall be deemed to render enforceable a conveyance or other contract made by a person who lacks the capacity to contract.

Sec. 35. NRS 118.030 is hereby amended to read as follows:

118.030 As used in NRS 118.010 to 118.120, inclusive, and sections 31, 32 and 33 of this act, unless the context otherwise requires, the words and terms defined in NRS 118.040 to 118.093, inclusive, and sections 31 and 32 of this act have the meanings ascribed to them in those sections.

Sec. 36. NRS 118.045 is hereby amended to read as follows:

118.045 1. "Disability" means, with respect to a person:

~~{1-}~~ (a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

~~{2-}~~ (b) A record of such an impairment; or

~~{3-}~~ (c) Being regarded as having such an impairment.

2. The term does not include any current illegal use of or addiction to a controlled substance as defined in 21 U.S.C. § 802(6).

Sec. 37. NRS 118.060 is hereby amended to read as follows:

118.060 ~~{1-}~~ "Dwelling" means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

~~{2-} "Dwelling" does not include:~~

~~—(a) A single family house sold or rented by an owner if:~~

~~—(1) The owner does not own more than three single family houses at any one time or the owner does not own any interest in, nor is there owned or reserved on his or her behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three single family houses at any one time; and~~

~~—(2) The house was sold or rented without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, real estate broker salesperson or real estate salesperson licensed pursuant to chapter 645 of NRS.~~

~~—(b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by not more than four families living independently of each other if the owner actually maintains and occupies one of the living quarters as his or her residence and the owner has not within the preceding 12 month period participated:~~

~~—(1) As the principal in three or more transactions involving the sale or rental of any dwelling or any interest therein; or~~

~~—(2) As an agent, otherwise than in the sale of his or her own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein.~~

~~—3. The sale of a single family house by an owner not residing in that house at the time of the sale or who was not the most recent resident of that house before the sale does not bring the house within the definition of "dwelling" unless there is more than one such sale within any 24 month period.]~~

Sec. 38. NRS 118.080 is hereby amended to read as follows:

118.080 "Person" includes ~~the~~ :

1. *One or more natural persons, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trustees, trustees in cases under Title 11 of the United States Code, receivers or fiduciaries;*

2. *The State of Nevada ; and ~~all~~*

3. *All political subdivisions and agencies ~~thereof~~ of the State.*

Sec. 39. NRS 118.100 is hereby amended to read as follows:

118.100 ~~A~~

1. *Except as otherwise provided in subsections 4 and 5, a person shall not, because of race, ~~religious creed,~~ color, religion, national origin, ~~disability,~~ sexual orientation, gender identity or expression, ~~ancestry,~~ familial status , ~~or~~ sex ~~;~~ or disability, including, without limitation, the disability of a buyer or renter or any person who may reside in a dwelling after it is sold, rented or made available, or because the buyer or renter is associated with a person who is, or is perceived to be, a member of any class of persons protected by the provisions of NRS 118.010 to 118.120, inclusive, and sections 31, 32 and 33 of this act:*

~~{1-}~~ (a) Refuse to sell or rent or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person.

~~{2-}~~ (b) Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, including the amount of breakage or brokerage fees, deposits or other undue penalties, or in the provision of services or facilities in connection therewith.

~~{3.}~~ (c) Make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination, or an intention to make any preference, limitation or discrimination. As used in this subsection, "dwelling" includes a house, room or unit described in ~~{subsection 2 or 3 of NRS 118.060.}~~ paragraphs (a) and (b) of subsection 5.

~~{4.}~~ (d) Represent to any person because of race, ~~{religious creed,}~~ color, religion, national origin, disability, sexual orientation, gender identity or expression, ~~{ancestry,}~~ familial status or sex that any dwelling is not available for inspection, sale or rental when the dwelling is in fact so available.

~~{5.}~~ (e) For profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person of a particular race, ~~{religious creed,}~~ religion, color, national origin, disability, sexual orientation, gender identity or expression, ~~{ancestry,}~~ familial status or sex.

~~{6. — Coerce,}~~

(f) Deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or discriminate against any person in the terms or conditions of such access, membership or participation.

2. A person shall not discriminate against any person in making available a residential real estate related transaction, or in the terms or conditions of such a transaction.

3. A person shall not coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed or aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected in ~~{this chapter,}~~ NRS 118.010 to 118.120, inclusive, and sections 31, 32 and 33 of this act.

4. The provisions of this section:

(a) Do not prohibit a person engaged in the business of furnishing appraisals of real property from considering factors other than race, color, religion, sex, national origin, sexual orientation, gender identity or expression, familial status or disability in performing an appraisal.

(b) Do not prohibit a religious organization, association or society, or a nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental or occupancy of any dwelling which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preferences to such persons, unless membership in the religion is restricted on account of race, color or national origin.

(c) Do not prohibit a private club which is not open to the public and which, as an incident to its primary purposes, provides lodgings that it owns or operates for other than a commercial purpose from limiting the rental or

occupancy of those lodgings to its members or from giving preference to its members.

(d) With regard to the prohibition against discrimination based on familial status, do not apply to housing for older persons.

5. Except as otherwise provided in paragraph (c) or (f) of subsection 1 or subsection 2, 3 or 6, the provisions of this section do not apply to:

(a) A single-family house sold or rented by a private individual owner if:

(1) The private individual owner does not own more than three single-family houses;

(2) The private individual owner does not own any interest in, and there is not owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to any portion of the proceeds from the sale or rental of more than three single-family houses; and

(3) The house is sold or rented:

(I) Without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman licensed under chapter 645 of NRS, other person in the business of selling or renting dwellings or the employee or agent of such a real estate broker, agent or salesman or other person; and

(II) Without the publication, posting or mailing of any advertisement or written notice in violation of paragraph (c) of subsection 1.

(b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by not more than four families living independently of each other if the owner maintains and occupies one of the living quarters as his or her residence.

6. In the event of the sale of a single-family house by a private individual owner who does not reside in the house at the time of the sale or who was not the most recent resident of the house before the sale, the exemption from the provisions of this section set forth in paragraph (a) of subsection 5 applies only with respect to one such sale within any 24-month period.

7. The provisions of this section do not prohibit the use by any person of such attorneys, escrow agents, commissioned abstracters, title companies or other professional assistance as necessary to perfect or transfer title to real property.

8. For the purposes of this section, a person shall be deemed to be in the business of selling or renting dwellings if the person:

(a) Has, within the immediately preceding 12 months, participated as a principal in three or more transactions involving the sale or rental of any dwelling or any interest in a dwelling;

(b) Has, within the immediately preceding 12 months, participated as an agent, other than in the sale of his or her own residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest in a dwelling; or

(c) Is the owner of any dwelling occupied by, or designed or intended for occupancy by, five or more families.

9. As used in this section, unless the context otherwise requires:

(a) "Housing for older persons" means housing that is:

(1) Provided under any state or federal program which the Secretary of Housing and Urban Development determines is specifically designed and operated to assist elderly persons;

(2) Intended for and occupied solely by persons who are 62 years of age or older; or

(3) Intended and operated for occupancy by persons who are 55 years of age or older and:

(I) At least 80 percent of the occupied units are occupied by at least one person who is 55 years or older; and

(II) Applicable rules for verification of occupancy are complied with.

(b) "Residential real estate related transaction" means:

(1) The making or purchasing of loans or providing other financial assistance for purchasing, constructing, improving, repairing or maintaining a dwelling;

(2) The making or purchasing of loans or providing other financial assistance secured by residential real estate; or

(3) The selling, brokering or appraising of residential real estate.

Sec. 40. NRS 118.101 is hereby amended to read as follows:

118.101 1. A person may not refuse to ~~[-~~

~~-(a) Authorize]~~ authorize a person with a disability to make reasonable modifications to a dwelling which he or she occupies or will occupy if:

~~[(1)]~~ (a) The person with the disability pays for the modifications; and

~~[(2)]~~ (b) The modifications ~~[are]~~ may be necessary to ~~[ensure that]~~ afford the person with the disability ~~[may use and enjoy]~~ the full enjoyment of the dwelling. ~~[- or~~

~~-(b) Make reasonable accommodations in rules, policies, practices or services if those accommodations are necessary to ensure that the person with the disability may use and enjoy the dwelling.]~~

2. A landlord may, as a condition for the authorization of such a modification, reasonably require the person who requests the authorization, upon the termination of his or her occupancy, to restore the *interior of the dwelling* to the condition that existed before the modification, reasonable wear and tear excepted.

3. Except as otherwise provided in subsection 4, a landlord may not increase the amount of security the landlord customarily requires a person to deposit because that person has requested authorization to modify a dwelling pursuant to subsection 1.

4. If a person requests authorization to modify a dwelling pursuant to subsection 1, the landlord may require that person to deposit a reasonable amount of security in addition to the amount the landlord usually requires if the additional amount:

(a) Is necessary to ensure the restoration of the dwelling pursuant to subsection 2;

(b) Does not exceed the actual cost of the restoration; and

(c) Is *collected over a reasonable period and* deposited by the landlord in an interest-bearing account. Any interest earned on the additional amount must be paid to the person who requested the authorization.

5. *A person may not refuse to make reasonable accommodations in rules, policies, practices or services which may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling.*

6. As used in this section, "security" has the meaning ascribed to it in NRS 118A.240.

Sec. 41. NRS 118.103 is hereby amended to read as follows:

118.103 1. A covered multifamily dwelling which is designed and constructed for occupancy on or after ~~[March 13, 1991,]~~ *October 1, 2021*, must be constructed in such a manner that the *primary entrance to the* dwelling ~~[contains at least one entrance which]~~ is accessible to a person with a disability unless it is impracticable to so design or construct the dwelling because of the terrain or unusual characteristics of the site upon which it is constructed.

2. ~~[A] Such a~~ covered multifamily dwelling ~~[which contains at least one entrance which is accessible to a person with a disability]~~ must be constructed in such a manner that:

(a) The ~~[common]~~ areas of the dwelling *intended for public use or common use* are readily accessible to and usable by a person with a disability;

(b) The doors of the dwelling are sufficiently wide to allow a person with a disability to enter and exit in a wheelchair;

(c) The units of the dwelling contain:

(1) An accessible route into and through the dwelling;

(2) Reinforcements in the bathroom walls so that bars for use by a person with a disability may be installed therein; and

(3) Kitchens and bathrooms *which are usable by a person in a wheelchair and* in which *such a person* ~~[in a wheelchair]~~ may maneuver; and

(d) The light switches, electrical outlets, thermostats or any other environmental controls in the units of the dwelling are placed in such a manner that they are accessible to a person in a wheelchair.

3. As used in this section, "covered multifamily dwelling" means:

(a) A building which consists of four or more units and contains at least one elevator; ~~[or]~~ *and*

(b) The units located on the ground floor of any other building which consists of four or more units.

Sec. 42. NRS 118.105 is hereby amended to read as follows:

118.105 1. ~~[Except as otherwise provided in subsection 2, a]~~ A landlord ~~[may]~~ *must* not refuse to rent a dwelling subject to the provisions of chapter 118A of NRS to a person with a disability solely because ~~[an]~~ *a* service animal *which affords the person an equal opportunity to use and enjoy the dwelling* will be residing with the prospective tenant in the dwelling. ~~[if the animal assists, supports or provides service to the person with a disability.]~~

2. ~~[A landlord may require proof that an animal assists, supports or provides service to the person with a disability. This requirement may be satisfied, without limitation, by a statement from a provider of health care that the animal performs a function that ameliorates the effects of the person's disability.]~~ As used in this section, "service animal" has the meaning ascribed to it in NRS 426.097.

Sec. 43. NRS 118.110 is hereby amended to read as follows:

118.110 Any aggrieved person ~~[who claims to have been injured by a discriminatory housing practice or who believes that he or she will be injured by such a practice that is about to occur]~~ may file a complaint with the Commission in the manner prescribed in NRS 233.160 ~~[.]~~ and avail himself or herself of the rights and remedies set forth in NRS 233.165 and sections 14, 15 and 16 of this act.

Sec. 44. NRS 118.120 is hereby amended to read as follows:

118.120 ~~[Any]~~

1. *Except as otherwise provided in subsection 2, an aggrieved person may commence an action in any district court in this state to enforce the provisions of NRS 118.100, 207.300, 207.310, 645.321 or 645C.480 and sections 31, 32 and 33 of this act not ~~[less]~~ more than 1 year after the date of the occurrence or termination of an alleged violation of any of those provisions. If the court determines that the provisions of any of those sections have been violated by the defendant, and that the plaintiff has been injured thereby, it may enjoin the defendant from continued violation or may take such other affirmative action as may be appropriate, and, in the case of a prevailing plaintiff, may award to the plaintiff actual damages, punitive damages, court costs and a reasonable attorney's fee.*

2. *The limitation on commencing an action set forth in subsection 1 is tolled by the filing of a complaint with the Commission and during the pendency of the complaint before the Commission.*

3. *An aggrieved person may commence a civil action under this section regardless of whether the person has filed a complaint under NRS 118.110, unless the person has entered into a conciliation agreement concerning the complaint or the Commission has commenced a hearing pursuant to section 14 of this act with respect to the matters alleged in the complaint.*

Sec. 45. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 44, inclusive, of this act become effective:

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

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

Amendment No. 801.

SUMMARY—Revises provisions relating to discrimination in housing. (BDR 18-38)

AN ACT relating to discriminatory practices; revising various provisions relating to discrimination in housing; providing civil penalties and other

remedies for certain violations; authorizing the Nevada Equal Rights Commission to enter into certain agreements with the United States Department of Housing and Urban Development for the Commission to investigate and enforce laws relating to fair housing as a certified agency under federal law; providing that certain conduct relating to seeking an applicant or tenant's arrest record, conviction record or record of criminal history constitutes an unlawful discriminatory practice in housing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Nevada Equal Rights Commission. (NRS 233.030) The Commission is authorized to investigate and conduct hearings concerning acts of prejudice with regard to housing, employment and public accommodation. (NRS 233.150) Existing law also sets forth the Nevada Fair Housing Law to prohibit discrimination in housing. (NRS 118.010-118.120) In addition, the federal Fair Housing Act of 1968, as amended, prohibits discrimination in the sale, rental and financing of dwellings and in other housing related transactions. (42 U.S.C. §§ 3601 et seq.)

Sections 17, 20 and 21 of this bill revise references to the types of discrimination from which persons are protected in Nevada to conform to federal law.

Section 21 of this bill authorizes the Commission to initiate a complaint alleging an unlawful discriminatory practice in housing. Section 23 of this bill requires the Commission to investigate each complaint which alleges an unlawful discriminatory practice in housing and to attempt to resolve the issues raised in the complaint through informal negotiations with the parties. Section 24 of this bill requires the Commission to serve upon an aggrieved person certain information.

Section 14 of this bill establishes new procedures and requirements with respect to investigations and administrative hearings concerning such complaints. Following the Commission's investigation of a complaint, if the Administrator of the Commission determines that probable cause exists to believe that an unlawful discriminatory practice in housing has occurred or is about to occur, the Attorney General is required to: (1) prepare a notice of hearing and serve the notice upon the parties; and (2) unless a party elects to have the matter determined by a court, prepare and prosecute the complaint in a public hearing before the Commission. If the Commission, based on a preponderance of the evidence presented at the hearing, determines that an unlawful discriminatory practice in housing has occurred, the Commission may issue an order to cease and desist, order appropriate injunctive or other equitable relief, award actual damages, impose civil penalties and award costs and attorney's fees. Section 27 of this bill makes a conforming change to eliminate the requirement for the Commission to hold an informal meeting of the parties.

Section 15 of this bill provides for the determination of the complaint by a court instead of the Commission. Section 16 of this bill establishes procedures

for the judicial review of a final decision of the Commission. Sections 2-13 and 18 of this bill move the existing definitions in chapter 233 of NRS and define various terms relating to the complaint process. Sections 24-26 and 28 make changes to existing provisions to use these terms.

Section 29 of this bill provides that the provisions of chapter 233 of NRS for judicial review of decisions of the Commission concerning unlawful discriminatory practice in housing prevail over the provisions of the Administrative Procedure Act.

Section 22 of this bill authorizes the Commission to enter into certain agreements with the United States Department of Housing and Urban Development for the Commission to investigate and enforce laws relating to fair housing as a certified agency under federal law.

Section 33 of this bill prohibits, with certain exceptions, a person seeking to rent or lease a dwelling, or renting or leasing a dwelling, from: (1) inquiring into the arrest record, conviction record or record of criminal history of an applicant or tenant; (2) refusing to rent or lease, or refusing to negotiate to rent or lease, a dwelling to an applicant on the basis of the applicant's arrest record, conviction record or record of criminal history; (3) making, printing or publishing any notice or advertisement which indicates a preference based on the arrest record, conviction record or record of criminal history of an applicant; and (4) evicting a tenant from a dwelling on the basis of his or her arrest record, conviction record or record of criminal history for a misdemeanor offense unless the offense occurred on the premises of the dwelling. Section 33 provides that a person may inquire into or conduct a background check into the conviction record or record of criminal history of an applicant to determine whether the applicant has certain offenses on his or her record. A person may refuse to rent or lease a dwelling to an applicant who has any such offense on his or her record. Section 33 also requires a person who makes a dwelling available for rent or lease to provide applicants with information regarding these unlawful discriminatory practices and information on how to file an appeal of a denial to rent or lease or file a complaint with the Commission. Section 33 limits the applicability of these provisions to ~~[(1)]~~ any dwelling that is owned by a natural person and contains five or more dwelling units ~~[(1)]~~; and ~~[(2)]~~ any dwelling that is owned by a corporation or other business entity. For purposes of section 33, a "dwelling" is defined, with certain exceptions, as: (1) public housing; (2) any housing that is rented or leased to a tenant pursuant to a contract with a housing authority; or (3) any housing which accepts vouchers for rental payment. A "dwelling" does not include: (1) a manufactured home; or (2) a single family house owned by a natural person or any other housing that is owned by a natural person and has four or fewer dwelling units.

Sections 31, 32 and 34-44 of this bill amend the Nevada Fair Housing Law to conform to federal law. Section 36 of this bill revises the definition of "disability" to exclude any current illegal use of or addiction to a controlled substance. Sections 37 and 38 of this bill revise the definitions of "dwelling"

and "person." Sections 31 and 32 define the terms "aggrieved person" and "unlawful discriminatory practice in housing."

Section 39 of this bill revises the prohibited practices which constitute an unlawful discriminatory practice in housing in Nevada. Section 39 prohibits discrimination in real estate related transactions. Section 39 also sets forth certain exceptions to the application of its provisions.

Section 40 of this bill prohibits a person from refusing: (1) to allow a person with a disability to make reasonable modifications to a dwelling which may be necessary to afford the person with a disability full enjoyment of the dwelling, if the person with the disability pays for the modifications; or (2) to make reasonable accommodations in rules, policies, practices or services which may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling.

Section 41 of this bill revises accessibility requirements relating to the design and construction of a covered multifamily dwelling. Section 42 of this bill revises provisions prohibiting a landlord from refusing to rent a dwelling to a person with a disability with a service animal.

Sections 43 and 44 of this bill revise provisions governing civil actions to enforce certain provisions relating to discrimination in housing.

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

Section 1. Chapter 233 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this act.

Sec. 2. *"Administrator" means the Administrator of the Commission.*

Sec. 3. *"Aggrieved person" has the meaning ascribed to it in section 31 of this act.*

Sec. 4. *"Commission" means the Nevada Equal Rights Commission.*

Sec. 5. 1. *"Complainant" means a person by whom, or on whose behalf, a complaint is made which alleges an unlawful discriminatory practice over which the Commission has jurisdiction pursuant to this chapter.*

2. *As used in this section, "person" includes the Commission.*

Sec. 6. *"Conciliation" means the attempted resolution of issues raised by a complaint, or by the investigation of a complaint, through informal negotiations involving the aggrieved person, the respondent and the Commission.*

Sec. 7. *"Disability" has the meaning ascribed to it in NRS 118.045.*

Sec. 8. *"Familial status" has the meaning ascribed to it in NRS 118.065.*

Sec. 9. *"Gender identity or expression" has the meaning ascribed to it in NRS 118.075.*

Sec. 10. *"Member" means a member of the Commission.*

Sec. 11. *"Respondent" means a natural person or other person against whom is made a complaint which alleges an unlawful discriminatory practice over which the Commission has jurisdiction pursuant to this chapter.*

Sec. 12. *"Sexual orientation" has the meaning ascribed to it in NRS 118.093.*

Sec. 13. "Unlawful discriminatory practice in housing" has the meaning ascribed to it in section 32 of this act.

Sec. 14. 1. When a complaint is filed whose allegations if true would support a finding of an unlawful discriminatory practice in housing:

(a) The Commission shall, to the extent practicable throughout the complaint process, engage in conciliation with respect to the complaint. If an agreement is reached with regard to the matters alleged in the complaint, no further action may be taken by the complainant or the Commission with regard to the matters alleged in the complaint.

(b) Each conciliation agreement between a complainant and a respondent must be approved by the Commission. The Commission may reject any conciliation agreement that it determines is not in the public interest. A conciliation agreement may provide for binding arbitration of the matters alleged in the complaint and for the awarding of any appropriate relief in the arbitration, including, without limitation, monetary relief.

(c) The Commission shall make a conciliation agreement public unless the complainant and the respondent agree that it not be made public and the Commission determines that public disclosure of the agreement would not further the purposes of this chapter or NRS 118.010 to 118.120, inclusive, and sections 31, 32 and 33 of this act.

2. The Commission shall, at the conclusion of the investigation required by NRS 233.157, prepare a final investigative report containing:

(a) The name of and the date of contact with each witness;

(b) A summary and the dates of correspondence and other contact with the complainant and the respondent;

(c) A summary description of other pertinent records;

(d) A summary of witness statements; and

(e) Answers to interrogatories.

↪ The Commission may amend the final investigative report if additional evidence is discovered.

3. If, at the conclusion of the investigation required by NRS 233.157, the Administrator determines that there is not probable cause to believe that an unlawful discriminatory practice in housing has occurred or is about to occur, the Administrator shall dismiss the complaint and notify the complainant and the respondent.

4. If, at the conclusion of the investigation required by NRS 233.157, the Administrator determines that there is probable cause to believe that an unlawful discriminatory practice in housing has occurred or is about to occur, and attempts at conciliation have failed:

(a) The Attorney General shall prepare a notice of hearing which complies with the requirements of NRS 233B.121 and serve a copy of the notice upon the complainant, the aggrieved person and the respondent, together with notice of the right to elect, in lieu of the hearing, to have the matter determined in a civil action in a court of competent jurisdiction pursuant to section 15 of this act.

(b) Any aggrieved person may intervene as a party in the proceeding.

5. Unless an election is made to have the matter determined in a court of competent jurisdiction pursuant to section 15 of this act, the Commission shall hold a public hearing on the matter in conformance with the requirements of chapter 233B of NRS, except that the provisions of subsection 5 of NRS 233B.121 and NRS 233B.124 do not apply to the hearing. The Attorney General shall prepare and prosecute the complaint on behalf of the complainant.

6. If, after a hearing held pursuant to subsection 5, the Commission determines, based on a preponderance of the evidence, that an unlawful discriminatory practice in housing has occurred, the Commission shall serve a copy of its findings of fact and conclusions of law upon the complainant, the aggrieved persons and the respondent within 10 days after such a finding and may:

- (a) Order the respondent to cease and desist from the unlawful practice;
- (b) Order such injunctive or other equitable relief as may be appropriate;
- (c) Award actual damages to the complainant;
- (d) Impose upon the respondent:

(1) Except as otherwise provided in this paragraph, a civil penalty of not more than \$16,000;

(2) If the respondent has been adjudged in a separate action to have committed any violation of NRS 118.010 to 118.120, inclusive, and sections 31, 32 and 33 of this act within the 5-year period immediately preceding the filing of the complaint, a civil penalty of not more than \$37,500; or

(3) If the respondent has been adjudged in one or more separate actions to have committed two or more violations of NRS 118.010 to 118.120, inclusive, and sections 31, 32 and 33 of this act within the 7-year period immediately preceding the filing of the complaint, a civil penalty of not more than \$65,000; and

- (e) Award costs and reasonable attorneys' fees to the complainant.

7. If, after a hearing held pursuant to subsection 5, the Commission determines, based on a preponderance of the evidence, that an unlawful discriminatory practice in housing has not occurred, the Commission:

- (a) Shall dismiss the matter and make the dismissal public; and
- (b) May, upon motion of the respondent, award costs and reasonable attorney's fees to the respondent if the Commission determines that the complaint, had it been filed with a court, would have violated and been grounds for sanctions under Rule 11 of the Nevada Rules of Civil Procedure.

8. Any resolution of a complaint before a final order of the Commission following a hearing held pursuant to subsection 5 must, to the extent practicable, be agreed to by the aggrieved person.

9. If the respondent fails to comply with a final order of the Commission, the Commission shall apply to the district court for an order compelling compliance. If the court finds that the respondent has violated the order by

failing to cease and desist from the unlawful practice, failing to make any payment ordered or otherwise failing to comply with the order, the court shall award the aggrieved person actual damages caused by the noncompliance.

10. *After the Commission has held a public hearing and rendered a decision, the complainant is barred from proceeding on the same facts and legal theory before any other administrative body or officer.*

Sec. 15. 1. *If, pursuant to subsection 4 of section 14 of this act, the Administrator has determined that there is probable cause to believe that an unlawful discriminatory practice in housing has occurred or is about to occur, and attempts at conciliation have failed, the complainant, the aggrieved person or the respondent may, in lieu of a hearing before the Commission pursuant to section 14 of this act, elect to have the claims of an unlawful discriminatory practice in housing that were set forth in the complaint decided by a court of competent jurisdiction.*

2. *The election must be made in writing and be received by the Commission not later than 20 days after the date on which the notice was served as required by subsection 4 of section 14 of this act.*

3. *The Attorney General shall, if requested by the complainant or the aggrieved person, prepare, file and litigate a civil action on behalf of the complainant or the aggrieved person.*

4. *Any aggrieved person, with respect to the issues to be determined in the civil action, may intervene as a matter of right in the civil action.*

5. *If the court, based on a preponderance of the evidence, determines that the defendant has committed or is about to commit an unlawful discriminatory practice in housing, the court may:*

(a) *Award actual and punitive damages to the complainant or the aggrieved person, except that the court may not award monetary damages to an aggrieved person who does not intervene if that aggrieved person has not complied with discovery orders entered by the court;*

(b) *Award costs and reasonable attorney's fees to the complainant or the aggrieved person; and*

(c) *Order such other relief as the court determines appropriate, including, without limitation:*

(1) *Ordering a permanent or temporary injunction;*

(2) *Issuing a temporary restraining order; or*

(3) *Enjoining the defendant from engaging in the unlawful practice or ordering such other affirmative action as the court determines appropriate.*

6. *If the court, based on a preponderance of the evidence, determines that the defendant has not committed and is not about to commit an unlawful discriminatory practice in housing, the court shall dismiss the action and may, upon the motion of the defendant, award costs and reasonable attorney's fees to the defendant if the court determines that the complaint was prosecuted in violation of Rule 11 of the Nevada Rules of Civil Procedure.*

7. The Commission shall notify the complainant, all aggrieved persons and the respondent of the court's decision in any action filed pursuant to this section.

Sec. 16. 1. An order of the Commission issued pursuant to section 14 of this act in a complaint alleging an unlawful discriminatory practice in housing is a final decision in a contested case for the purpose of judicial review.

2. Any person identified as a party of record in a hearing before the Commission on a complaint alleging an unlawful discriminatory practice in housing who is aggrieved by a final decision of the Commission may request judicial review.

3. A petition for judicial review must:

(a) Name as respondents the Commission and all parties of record to the hearing;

(b) Be instituted by filing the petition in the district court in and for Carson City, in and for the county in which the aggrieved party resides or in and for the county in which the hearing occurred; and

(c) Be filed within 30 days after service of the final decision of the Commission.

4. A cross-petition for judicial review must be filed within 10 days after service of a petition for judicial review.

5. The Commission and any party wishing to participate in the judicial review must file a statement of intent to participate in the petition for judicial review and serve the statement upon the petitioner and each named respondent within 20 days after service of the petition.

6. The petition for judicial review and any cross-petition for judicial review must be served upon the Commission and each party of record within 45 days after the filing of the petition, unless, upon a showing of good cause, the district court extends the time for such service.

7. The Commission shall, within 30 days after receipt of service of the petition for judicial review or such time as allowed by the court, transmit to the court the original or a certified copy of the entire record of the proceeding under review, including, without limitation, a transcript of the evidence resulting in the final decision of the Commission. The record may be shortened by stipulation of the parties to the proceeding. If the court determines that a party has unreasonably refused to stipulate to limit the record, the court may assess any additional costs resulting from the refusal against that party. The court may require or permit subsequent corrections or additions to the record.

8. If, before submission to the court, an application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the Commission, the court may order that the additional evidence and any rebuttal evidence be taken before the Commission upon such conditions as the court determines appropriate. After receipt of any additional evidence, the Commission:

(a) May modify its findings and decision; and

(b) Shall file the evidence and any modification, new finding or decision with the court.

9. A petitioner or cross-petitioner who is seeking judicial review shall serve and file a memorandum of points and authorities within 40 days after the Commission gives written notice to the parties that the record of the proceeding under review has been filed with the court.

10. The respondent or cross-petitioner shall serve and file a reply memorandum of points and authorities within 30 days after service of the memorandum of points and authorities.

11. The petitioner or cross-petitioner may serve and file a reply memoranda of points and authorities within 30 days after service of the reply memorandum.

12. Within 7 days after the expiration of the period within which the petitioner is required to reply, any party may request a hearing. Unless a request for a hearing has been filed, the matter shall be deemed submitted.

13. All memoranda of points and authorities filed in proceedings involving petitions for judicial review must be in the form provided for appellate briefs in Rule 28 of the Nevada Rules of Appellate Procedure.

14. The court, for good cause, may extend the times allowed in this section for filing memoranda.

15. Judicial review of a final decision of the Commission must be:

- (a) Conducted by the court without a jury; and
- (b) Confined to the record.

➡ In cases concerning alleged irregularities in procedure before the Commission that are not shown in the record, the court may receive evidence concerning the irregularities.

16. The final decision of the Commission shall be deemed reasonable and lawful until reversed or set aside in whole or in part by the court. The burden of proof is on the party attacking or resisting the decision to show that the final decision is invalid pursuant to subsection 17.

17. The court shall not substitute its judgment for that of the Commission as to the weight of evidence on a question of fact. The court may remand or affirm the final decision or set it aside in whole or in part if substantial rights of the petitioner have been prejudiced because the final decision of the Commission is:

- (a) In violation of any constitutional or statutory provision;
- (b) In excess of the statutory authority of the Commission;
- (c) Made upon unlawful procedure;
- (d) Affected by other error of law;
- (e) Clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or
- (f) Arbitrary or capricious or characterized by abuse of discretion.

18. A petitioner who applies for a stay of the final decision of the Commission shall file and serve a written motion for the stay on the Commission and all parties of record to the proceeding at the time of filing the

petition for judicial review. The petitioner must provide security before the court may issue a stay.

19. In determining whether to grant a stay, the court shall consider the same factors as are considered for a preliminary injunction under Rule 65 of the Nevada Rules of Civil Procedure.

20. In making a ruling, the court shall:

(a) Give deference to the Commission; and

(b) Consider the risk to the public, if any, of staying the decision of the Commission.

21. An aggrieved party may obtain a review of any final judgment of the district court by appeal to the Nevada Supreme Court. The appeal may be taken as in other civil cases.

Sec. 17. NRS 233.010 is hereby amended to read as follows:

233.010 1. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek and obtain housing accommodations without discrimination, distinction or restriction because of race, religious creed, color, age, sex, disability, *familial status*, sexual orientation, gender identity or expression, national origin or ancestry.

2. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek and be granted services in places of public accommodation without discrimination, distinction or restriction because of race, ~~religious creed,~~ *religion*, color, age, sex, disability, sexual orientation, national origin ~~ancestry~~ or gender identity or expression.

3. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek, obtain and hold employment without discrimination, distinction or restriction because of race, ~~religious creed,~~ *religion*, color, age, sex, disability, sexual orientation, gender identity or expression ~~or~~ *or* national origin ~~ancestry~~.

4. It is recognized that the people of this State should be afforded full and accurate information concerning actual and alleged practices of discrimination and acts of prejudice, and that such information may provide the basis for formulating statutory remedies of equal protection and opportunity for all citizens in this State.

Sec. 18. NRS 233.020 is hereby amended to read as follows:

233.020 As used in this chapter ~~is~~:

~~1. "Administrator" means the Administrator of the Commission.~~

~~2. "Commission" means the Nevada Equal Rights Commission within the Department of Employment, Training and Rehabilitation.~~

~~3. "Disability" means, with respect to a person:~~

~~(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;~~

~~—(b) A record of such an impairment; or~~

~~—(c) Being regarded as having such an impairment.~~

~~4. "Gender identity or expression" means a gender related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.~~

~~5. "Member" means a member of the Nevada Equal Rights Commission.~~

~~6. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.] , unless the context otherwise requires, the words and terms defined in sections 2 to 13, inclusive, of this act have the meanings ascribed to them in those sections.~~

Sec. 19. NRS 233.085 is hereby amended to read as follows:

233.085 The Governor may designate another agency to perform the duties and functions of the Commission set forth in NRS 233.150 ~~[, 233.160, 233.165 and 233.170.]~~ and 233.157 to 233.170, inclusive, and sections 14, 15 and 16 of this act.

Sec. 20. NRS 233.140 is hereby amended to read as follows:

233.140 The Commission shall:

1. Foster mutual understanding and respect among all groups, including, without limitation, those based on race, religion, disability, ethnicity, sexual orientation and gender identity or expression, and between the sexes in the State.

2. Aid in securing equal health and welfare services and facilities for all the residents of the State without regard to race, *color*, religion, sex, sexual orientation, gender identity or expression, age, disability , *familial status* or ~~[nationality.]~~ *national origin*.

3. Study problems arising between groups within the State which may result in tensions, discrimination or prejudice because of race, color, ~~[creed,]~~ *religion*, sex, sexual orientation, gender identity or expression, age, disability, *familial status* or *national origin* , ~~[or ancestry.]~~ and formulate and carry out programs of education and disseminate information with the object of discouraging and eliminating any such tensions, prejudices or discrimination.

4. Secure the cooperation of various groups, including, without limitation, those based on race, religion, sex, sexual orientation, gender identity or expression, age, disability, nationality and ethnicity, veterans' organizations, labor organizations, business and industry organizations and fraternal, benevolent and service groups, in educational campaigns devoted to the need for eliminating group prejudice, racial or area tensions, intolerance or discrimination.

5. Cooperate with and seek the cooperation of federal and state agencies and departments in carrying out projects within their respective authorities to eliminate intergroup tensions and to promote intergroup harmony.

6. Develop and carry out programs of education and disseminate information as necessary to inform employers, employees, employment agencies and job applicants about their rights and responsibilities set forth in NRS 613.4353 to 613.4383, inclusive.

Sec. 21. NRS 233.150 is hereby amended to read as follows:

233.150 The Commission may:

1. Order its Administrator to:

(a) With regard to public accommodation, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, ~~creed,~~ religion, sex, age, disability, familial status, sexual orientation, national origin ~~ancestry~~ or gender identity or expression and may conduct hearings with regard thereto.

(b) With regard to housing, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, ~~creed,~~ religion, sex, age, disability, familial status, sexual orientation, gender identity or expression ~~or~~ or national origin , ~~or ancestry,~~ and may conduct hearings with regard thereto.

(c) With regard to employment, investigate:

(1) Tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, ~~creed,~~ religion, sex, age, disability, familial status, sexual orientation, gender identity or expression ~~or~~ or national origin , ~~or ancestry,~~ and may conduct hearings with regard thereto; and

(2) Any unlawful employment practice by an employer pursuant to the provisions of NRS 613.4353 to 613.4383, inclusive, and may conduct hearings with regard thereto.

2. Mediate between or reconcile the persons or groups involved in those tensions, practices and acts.

3. Issue subpoenas for the attendance of witnesses or for the production of documents or tangible evidence relevant to any investigations or hearings conducted by the Commission.

4. Delegate its power to hold hearings and issue subpoenas to any of its members or any hearing officer in its employ.

5. *Initiate a complaint against an unlawful discriminatory practice in housing.*

6. Adopt reasonable regulations necessary for the Commission to carry out the functions assigned to it by law.

Sec. 22. NRS 233.153 is hereby amended to read as follows:

233.153 1. The Commission ~~shall not~~ may contract with or enter into a memorandum of understanding with the United States Department of Housing and Urban Development for the Commission to investigate and enforce laws relating to fair housing as a certified agency . ~~unless the Legislature, by resolution or other appropriate legislative measure, expressly authorizes the Commission to do so.~~

2. As used in this section:

(a) "Certified agency" has the meaning ascribed to it in 24 C.F.R. § 115.100(c). The term refers to the certification of an agency as substantially equivalent as described in 42 U.S.C. § 3610(f)(3)(A) and 24 C.F.R. Part 115, Subpart B.

(b) "Memorandum of understanding" means the memorandum of understanding described in 24 C.F.R. § ~~115.210;~~ 115.205.

Sec. 23. NRS 233.157 is hereby amended to read as follows:

233.157 1. The Commission shall accept any complaint alleging an unlawful discriminatory practice over which it has jurisdiction pursuant to this chapter.

2. The Commission shall adopt regulations setting forth the manner in which the Commission will process ~~any such~~ a complaint ~~and~~ received pursuant to subsection 1.

3. *If a complaint alleges an unlawful discriminatory practice in employment or public accommodations, the Commission shall determine whether to hold an informal settlement meeting or conduct an investigation concerning the complaint.*

4. *If a complaint alleges an unlawful discriminatory practice in housing, the Commission shall investigate the complaint and shall, to the extent practicable, engage in conciliation with respect to the complaint.*

Sec. 24. NRS 233.160 is hereby amended to read as follows:

233.160 1. A complaint which alleges unlawful discriminatory practices in:

(a) Housing must be filed with the Commission not later than 1 year after the date of the occurrence of the alleged practice or the date on which the practice terminated.

(b) Employment or public accommodations must be filed with the Commission not later than 300 days after the date of the occurrence of the alleged practice.

↪ A complaint is timely if it is filed with an appropriate federal agency within that period. A complainant shall not file a complaint with the Commission if any other state or federal administrative body or officer which has comparable jurisdiction to adjudicate complaints of discriminatory practices has made a decision upon a complaint based upon the same facts and legal theory.

2. The complainant shall specify in the complaint the alleged unlawful practice and sign it under oath.

3. The Commission shall send to the ~~party against whom an unlawful discriminatory practice is alleged;~~ respondent:

(a) A copy of the complaint;

(b) An explanation of the rights which are available to ~~that party;~~ the respondent; and

(c) A copy of the Commission's procedures.

4. The Commission shall notify each party to the complaint of the limitation on the period of time during which a person may apply to the district court for relief pursuant to NRS 613.430.

5. If a person files a complaint pursuant to paragraph (b) of subsection 1 which alleges an unlawful discriminatory practice in employment, the Commission shall, as soon as practicable after receiving the complaint, notify

in writing the person who filed the complaint that the person may request the Commission to issue a right-to-sue notice pursuant to NRS 613.412.

6. For the purposes of paragraph (b) of subsection 1, an unlawful discriminatory practice in employment which relates to compensation occurs on:

(a) Except as otherwise provided in paragraph (b), the date prescribed by 42 U.S.C. § 2000e-5(e)(3)(A), as it existed on January 1, 2019.

(b) If 42 U.S.C. § 2000e-5(e)(3)(A) is amended and the Commission determines by regulation that the section, as amended, provides greater protection for employees than the section as it existed on January 1, 2019, the date prescribed by 42 U.S.C. § 2000e-5(e)(3)(A), as amended.

7. *If a person files a complaint pursuant to paragraph (a) of subsection 1 which alleges an unlawful discriminatory practice in housing:*

(a) *The Commission shall, not later than 10 days after receiving the complaint:*

(1) *Serve upon the aggrieved person:*

(I) *Notice that the complaint was filed with the Commission;*

(II) *A copy of the procedures of the Commission;*

(III) *The information set forth in sections 14 and 15 of this act; and*

(IV) *Information relating to the state and federal administrative bodies and courts with which the aggrieved person may file the complaint.*

(2) *Send to the respondent the information set forth in subsection 3.*

(b) *The respondent may file with the Commission an answer to the complaint not later than 10 days after the respondent receives the information set forth in subsection 3.*

(c) *A person who is not named as a respondent but who is identified as a respondent in the course of the investigation may be joined as an additional or substitute respondent upon written notice from the Commission to that person.*

Sec. 25. NRS 233.165 is hereby amended to read as follows:

233.165 1. ~~[If the Commission determines to conduct]~~ *In conducting an investigation of a complaint which alleges an unlawful discriminatory practice in housing in accordance with the regulations adopted pursuant to NRS 233.157, the Commission ~~[must]~~ shall:*

(a) *Begin ~~[an]~~ the investigation of the complaint within 30 days after it receives the complaint.*

(b) *Complete its investigation of the complaint within 100 days after it receives the complaint unless it is impracticable to do so.*

(c) *Make a final disposition of the complaint within 1 year after the date it receives the complaint unless it is impracticable to do so.*

2. *If the Commission determines that it is impracticable to complete an investigation or make a final disposition of a complaint which alleges an unlawful discriminatory practice in housing within the period prescribed in subsection 1, the Commission shall send to the complainant and the ~~[person against whom the complaint was filed]~~ respondent a statement setting forth its*

reasons for not completing the investigation or making a final disposition of the complaint within that period.

Sec. 26. NRS 233.170 is hereby amended to read as follows:

233.170 1. When a complaint is filed whose allegations if true would support a finding of *an unlawful practice* ~~[-the] in employment or public accommodations~~:

(a) *The Commission shall determine whether to hold an informal meeting to attempt a settlement of the dispute in accordance with the regulations adopted pursuant to NRS 233.157. If the Commission determines to hold an informal meeting, the Administrator may, to prepare for the meeting, request from each party any information which is reasonably relevant to the complaint. No further action may be taken if the parties agree to a settlement.*

~~{2-}~~ (b) *If an agreement is not reached at the informal meeting, the Administrator shall determine whether to conduct an investigation into the alleged unlawful practice in accordance with the regulations adopted pursuant to NRS 233.157. After the investigation, if the Administrator determines that an unlawful practice has occurred, the Administrator shall attempt to mediate between or reconcile the parties. The ~~[party against whom a complaint was filed]~~ respondent may agree to cease the unlawful practice. If an agreement is reached, no further action may be taken by the complainant or by the Commission.*

~~{3-}~~ (c) *If the attempts at mediation or conciliation fail, the Commission may hold a public hearing on the matter ~~[-After]~~ in accordance with the requirements of chapter 233B of NRS.*

2. *If, after the hearing ~~[-if]~~ held pursuant to paragraph (c) of subsection 1, the Commission determines that an unlawful practice has occurred, ~~[it may:]~~ the Commission:*

(a) ~~{Serve}~~ *Shall serve* a copy of its findings of fact within 10 calendar days upon any ~~[person]~~ respondent found to have engaged in the unlawful practice; and

(b) ~~{Order}~~ *May order* the ~~[person]~~ respondents to:

(1) Cease and desist from the unlawful practice. The order must include, without limitation, the corrective action the ~~[person]~~ respondent must take.

(2) In cases involving an unlawful employment practice, restore all benefits and rights to which the aggrieved person is entitled, including, but not limited to, rehiring, back pay for a period described in subsection ~~{4,}~~ 3, annual leave time, sick leave time or pay, other fringe benefits and seniority, with interest thereon from the date of the Commission's decision at a rate equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date of the Commission's decision, plus 2 percent. The rate of interest must be adjusted accordingly on each January 1 and July 1 thereafter until the judgment is satisfied.

(3) In cases involving an unlawful employment practice relating to discrimination on the basis of sex, pay an amount determined to be appropriate

by the Commission for lost wages that would have been earned in the absence of discrimination or other economic damages resulting from the discrimination, including, without limitation, lost payment for overtime, shift differential, cost of living adjustments, merit increases or promotions, or other fringe benefits.

(4) In cases involving an unlawful employment practice committed by an employer with 50 or more employees that the Commission determines was willful, pay a civil penalty of:

(I) For the first unlawful employment practice that the ~~{person}~~ *respondent* has engaged in during the immediately preceding 5 years which the Commission determines was willful, not more than \$5,000.

(II) For the second unlawful employment practice that the ~~{person}~~ *respondent* has engaged in during the immediately preceding 5 years which the Commission determines was willful, not more than \$10,000.

(III) For the third and any subsequent unlawful employment practice that the ~~{person}~~ *respondent* has engaged in during the immediately preceding 5 years which the Commission determines was willful, not more than \$15,000.

~~{4.}~~ 3. For the purposes of subparagraph (2) of paragraph (b) of subsection ~~{3.}~~ 2, the period for back pay must not exceed a period beginning 2 years before the date on which the complaint was filed and ending on the date the Commission issues an order pursuant to paragraph (b) of subsection ~~{3.}~~ 2.

~~{5.}~~ 4. Before imposing a civil penalty pursuant to subparagraph (4) of paragraph (b) of subsection ~~{3.}~~ 2, the Commission must allow the ~~{person}~~ *respondent* found to have willfully engaged in an unlawful employment practice 30 days to take corrective action from the date of service of the order pursuant to paragraph (a) of subsection ~~{3.}~~ 2. If the ~~{person}~~ *respondent* takes such corrective action, the Commission shall not impose the civil penalty.

~~{6.}~~ 5. The order of the Commission is a final decision in a contested case for the purpose of judicial review. If the ~~{person}~~ *respondent* fails to comply with the Commission's order, the Commission shall apply to the district court for an order compelling such compliance, but failure or delay on the part of the Commission does not prejudice the right of an aggrieved party to judicial review. The court shall issue the order unless it finds that the Commission's findings or order are not supported by substantial evidence or are otherwise arbitrary or capricious. If the court upholds the Commission's order and finds that the ~~{person}~~ *respondent* has violated the order by failing to cease and desist from the unlawful practice or to make the payment ordered, the court shall award the aggrieved party actual damages for any economic loss and no more.

~~{7.}~~ 6. After the Commission has held a public hearing and rendered a decision, the complainant is barred from proceeding on the same facts and legal theory before any other administrative body or officer.

~~{8.}~~ 7. For the purposes of this section, an unlawful employment practice shall be deemed to be willful if a person engages in the practice with

knowledge that it is unlawful or with reckless indifference to whether it is lawful or unlawful.

Sec. 27. NRS 233.180 is hereby amended to read as follows:

233.180 If, after the Administrator has conducted a preliminary investigation into an alleged unlawful discriminatory practice in housing, employment or public accommodations, the Commission determines that the practice will cause immediate and irreparable harm to any person aggrieved by the practice, the Commission, ~~[after the informal meeting and]~~ before holding a public hearing upon the matter, may apply on behalf of such person to the district court for a temporary restraining order or preliminary injunction as provided in the Nevada Rules of Civil Procedure.

Sec. 28. NRS 233.190 is hereby amended to read as follows:

233.190 1. Except as otherwise provided in this section or NRS 239.0115, *or paragraph (c) of subsection 1 of section 14 of this act*, any information gathered by the Commission in the course of its investigation of an alleged unlawful discriminatory practice in housing, employment or public accommodations is confidential.

2. Except as otherwise provided in subsection 5, the Commission may disclose information gathered pursuant to subsection 1 to:

(a) Any governmental entity as appropriate or necessary to carry out its duties pursuant to this chapter; or

(b) To any other person if the information is provided in a manner which does not include any information that may be used to identify the complainant, the ~~[party against whom the unlawful discriminatory practice is alleged]~~ *respondent* or any person who provided information to the Commission during the investigation.

3. Except as otherwise provided in subsection 4, the Commission shall disclose information gathered pursuant to subsection 1 to the complainant and the ~~[party against whom the unlawful discriminatory practice is alleged]~~ *respondent* if:

(a) Each has consented to such disclosure; or

(b) The Commission has determined to conduct a hearing on the matter or apply for a temporary restraining order or an injunction or an action has been filed in court concerning the complaint.

4. The Commission may not disclose to the complainant or the ~~[party against whom the unlawful discriminatory practice is alleged:]~~ *respondent*.

(a) Any information obtained during negotiations for a settlement or attempts at mediating or conciliating the complaint.

(b) Any investigative notes or reports made by the Commission.

(c) Any information that may be used to identify a person who provided information to the Commission during the investigation and who has requested anonymity.

5. After the filing of a complaint with the Commission, access to information related to the complaint must be limited only to such staff of the Commission as is necessary to carry out the duties of the Commission relating

to the complaint. Such staff shall not disclose such information to the other officers and employees of the Department of Employment, Training and Rehabilitation, including, without limitation, supervisors and the Director of the Department, unless the disclosure is necessary to carry out the duties of the Commission relating to the complaint.

6. Except as otherwise provided in this section or NRS 239.0115, *or paragraph (c) of subsection 1 of section 14 of this act*, if the Commission's attempts at mediating or conciliating the cause of the grievance succeed, the information gathered pursuant to subsection 1 must remain confidential.

7. If the Commission proceeds with a hearing or applies for injunctive relief, confidentiality concerning any information, except negotiations for a settlement or attempts at mediating or conciliating the cause of the grievance, is no longer required.

Sec. 29. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

- (a) The Governor.
- (b) Except as otherwise provided in NRS 209.221, the Department of Corrections.
- (c) The Nevada System of Higher Education.
- (d) The Office of the Military.
- (e) The Nevada Gaming Control Board.
- (f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.
- (g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.
- (h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.
- (i) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.
- (j) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.
- (k) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.
- (l) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.
- (m) The Silver State Health Insurance Exchange.
- (n) The Cannabis Compliance Board.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the adoption of an emergency regulation or the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) *Chapter 233 of NRS for the judicial review of decisions of the Nevada Equal Rights Commission concerning an unlawful discriminatory practice in housing;*

(d) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

~~[(d)]~~ (e) NRS 90.800 for the use of summary orders in contested cases,
 ➤ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;

(d) The judicial review of decisions of the Public Utilities Commission of Nevada;

(e) The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 426.561 or 615.178;

(f) The adoption or amendment of a rule or regulation to be included in the State Plan for Services for Victims of Crime by the Department of Health and Human Services pursuant to NRS 217.130;

(g) The adoption, amendment or repeal of rules governing the conduct of contests and exhibitions of unarmed combat by the Nevada Athletic Commission pursuant to NRS 467.075; or

(h) The adoption, amendment or repeal of regulations by the Director of the Department of Health and Human Services pursuant to NRS 447.335 to 447.350, inclusive.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 30. Chapter 118 of NRS is hereby amended by adding thereto the provisions set forth as sections 31, 32 and 33 of this act.

Sec. 31. *"Aggrieved person" means any person who:*

1. *Claims to have been injured by an unlawful discriminatory practice in housing; or*

2. *Believes that he or she will be injured by an unlawful discriminatory practice in housing that is about to occur.*

Sec. 32. *"Unlawful discriminatory practice in housing" means a practice prohibited by NRS 118.100 and section 33 of this act.*

Sec. 33. 1. *Except as otherwise provided in this section, it is an unlawful discriminatory practice for any person to:*

(a) *Inquire into or conduct a background check to determine the arrest record, conviction record or record of criminal history of an applicant for the rental or lease of a dwelling or a tenant;*

(b) *Refuse to rent or lease or refuse to negotiate for the rental or lease of, or otherwise make unavailable, a dwelling to an applicant because of any arrest record, conviction record or record of criminal history;*

(c) *Make, print or publish, or cause to be made printed or published, any notice, statement or advertisement with respect to the rental or lease of a dwelling that indicates any preference, limitation or discrimination, or an intention to make any preference, limitation or discrimination, on the basis of an applicant's arrest record, conviction record or record of criminal history; or*

(d) *Evict a tenant on the basis of an arrest record, conviction record or record of criminal history for a misdemeanor offense unless the misdemeanor offense occurred on the premises of the dwelling that is being rented or leased to the tenant.*

2. *A person may inquire into or conduct a background check to determine whether an applicant for the rental or lease of a dwelling has a conviction record or record of criminal history that includes:*

(a) *First degree arson pursuant to NRS 205.010, or the equivalent offense in another jurisdiction, within the immediately preceding year;*

(b) *At least two instances of second, third or fourth degree arson pursuant to NRS 205.015, 205.020 or 205.025, or the equivalent offense in another jurisdiction, within the immediately preceding year;*

(c) *A violent or sexual offense as defined in NRS 202.876, or the equivalent offense in another jurisdiction; or*

(d) *If the rental or lease is being made available by a public housing authority and the public housing authority has adopted a policy to use such offenses as a basis for denying the rental or lease in the public housing and has made a list of the offenses publicly available, any offense set forth in 24 C.F.R. § 982.553 as a permissive prohibition, other than drug-related*

criminal offenses related to cannabis from another jurisdiction, if such offense would not be a criminal offense in this State.

➡ A person who inquires into or conducts a background check in accordance this subsection may refuse to rent or lease, refuse to negotiate for the rental or lease of, or otherwise make unavailable a dwelling on the basis of a conviction record or record of criminal history for the offenses set forth in this subsection.

3. A person who is subject to this provisions of this section shall provide to each applicant for the rental or lease of a dwelling information on:

- (a) The provisions of this section and NRS 118.110 and 118.120;
- (b) How the applicant may appeal a denial for a rental or lease of a dwelling in public housing to a public housing authority; and
- (c) How the applicant may file a complaint with the Commission pursuant to NRS 233.160 if the applicant believes that his or her application was denied on the basis of an unlawful discriminatory practice.

4. The provisions of this section:

(a) Except as otherwise provided in paragraph (b), apply to the rental or lease, including, without limitation, a week to week tenancy, of ~~the~~

~~—(1) Any dwelling that is owned by a natural person and contains five or more dwelling units. ~~It and~~~~

~~—(2) Any dwelling that is owned by a corporation or other business entity.~~

(b) Do not apply to any action taken by a person:

(1) Pursuant to any federal or state law or regulation that requires the person to inquire into or conduct a background check to determine the arrest record, conviction record or criminal history of an applicant and exclude certain applicants based on certain types of criminal history, including, without limitation, the provisions of NRS 315.031, 42 U.S.C. § 13663 and 24 C.F.R. § 982.553.

(2) To review the statewide registry of sex offenders and offenders convicted of a crime against a child established pursuant to NRS 179B.200.

(3) Who makes available for rent a dwelling for tenancy on a week to week basis to determine whether an applicant has any outstanding felony warrants pending against him or her.

5. As used in this section:

(a) "Applicant" means a person who:

- (1) Seeks information about, visits or applies to rent or lease a dwelling;
- (2) Applies for a housing rental assistance program, including, without limitation, the Housing Choice Voucher Program pursuant to section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f; or
- (3) Seeks to be added to an existing lease for a dwelling.

(b) "Arrest record" means any information indicating that a person has been apprehended, detained, taken into custody, held for investigation or restrained by a law enforcement department of military authority due to an accusation or suspicion that a person committed a crime. The term includes pending criminal charges where an accusation has not resulted in a final judgment, acquittal, conviction, plea, dismissal or withdrawal.

(c) "Background check" means any report regarding the arrest record, conviction record or record of criminal history of a person intended to obtain the person's record of criminal history.

(d) "Conviction record" means any information regarding a final adjudication or other criminal disposition adverse to a person. The term includes, without limitation, dispositions for which the defendant received a deferred or suspended sentence, unless the adverse disposition has been vacated or expunged.

(e) "Dwelling":

(1) Except as otherwise provided in subparagraph (2), means:

(I) Public housing;

(II) Any housing that is rented or leased to a tenant pursuant to a contract with a housing authority; or

(III) Any housing which accepts rental payments of vouchers from a federal, state or local housing voucher program.

(2) Does not include:

(I) A manufactured home; or

(II) A single-family house owned by a natural person or any other housing that is owned by a natural person and has four or fewer dwelling units.

(f) "Dwelling unit" means a building or a portion of a building planned, designed or used as a residence for one family only, living independently of other families or persons, and having its own bathroom and housekeeping facilities included in the unit.

(g) "Housing authority" has the meaning ascribed to it in NRS 315.021.

(h) "Public housing" has the meaning ascribed to it in NRS 315.021.

(i) "Record of criminal history" has the meaning ascribed to it in NRS 179A.070.

Sec. 33.5. (Deleted by amendment.)

Sec. 34. NRS 118.020 is hereby amended to read as follows:

118.020 1. It is hereby declared to be the public policy of the State of Nevada that all people in the State have equal opportunity to inherit, purchase, lease, rent, sell, hold and convey real property without discrimination, distinction or restriction because of race, ~~religious creed,~~ color, national origin, *religion*, disability, sexual orientation, gender identity or expression, ~~ancestry,~~ familial status or sex.

2. Nothing in ~~this chapter~~ NRS 118.010 to 118.120, inclusive, and sections 31, 32 and 33 of this act shall be deemed to render enforceable a conveyance or other contract made by a person who lacks the capacity to contract.

Sec. 35. NRS 118.030 is hereby amended to read as follows:

118.030 As used in NRS 118.010 to 118.120, inclusive, and sections 31, 32 and 33 of this act, unless the context otherwise requires, the words and terms defined in NRS 118.040 to 118.093, inclusive, and sections 31 and 32 of this act have the meanings ascribed to them in those sections.

Sec. 36. NRS 118.045 is hereby amended to read as follows:

118.045 1. "Disability" means, with respect to a person:

~~{1.}~~ (a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

~~{2.}~~ (b) A record of such an impairment; or

~~{3.}~~ (c) Being regarded as having such an impairment.

2. *The term does not include any current illegal use of or addiction to a controlled substance as defined in 21 U.S.C. § 802(6).*

Sec. 37. NRS 118.060 is hereby amended to read as follows:

118.060 ~~{1.}~~ "Dwelling" means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

~~{2.} "Dwelling" does not include:~~

~~— (a) A single family house sold or rented by an owner if:~~

~~— (1) The owner does not own more than three single family houses at any one time or the owner does not own any interest in, nor is there owned or reserved on his or her behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three single family houses at any one time; and~~

~~— (2) The house was sold or rented without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, real estate broker salesperson or real estate salesperson licensed pursuant to chapter 645 of NRS.~~

~~— (b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by not more than four families living independently of each other if the owner actually maintains and occupies one of the living quarters as his or her residence and the owner has not within the preceding 12 month period participated:~~

~~— (1) As the principal in three or more transactions involving the sale or rental of any dwelling or any interest therein; or~~

~~— (2) As an agent, otherwise than in the sale of his or her own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein.~~

~~— 3. The sale of a single family house by an owner not residing in that house at the time of the sale or who was not the most recent resident of that house before the sale does not bring the house within the definition of "dwelling" unless there is more than one such sale within any 24 month period.]~~

Sec. 38. NRS 118.080 is hereby amended to read as follows:

118.080 "Person" includes ~~{the}~~ :

1. *One or more natural persons, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock*

companies, trustees, trustees in cases under Title 11 of the United States Code, receivers or fiduciaries;

2. *The State of Nevada ; and ~~{all}~~*

3. *All political subdivisions and agencies ~~{thereof}~~ of the State.*

Sec. 39. NRS 118.100 is hereby amended to read as follows:

118.100 ~~{A}~~

1. *Except as otherwise provided in subsections 4 and 5, a person shall not, because of race, ~~{religious creed},~~ color, religion, national origin, ~~{disability},~~ sexual orientation, gender identity or expression, ~~{ancestry},~~ familial status , ~~{or}~~ sex ~~{,}~~ or disability, including, without limitation, the disability of a buyer or renter or any person who may reside in a dwelling after it is sold, rented or made available, or because the buyer or renter is associated with a person who is, or is perceived to be, a member of any class of persons protected by the provisions of NRS 118.010 to 118.120, inclusive, and sections 31, 32 and 33 of this act:*

~~{1.}~~ (a) Refuse to sell or rent or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person.

~~{2.}~~ (b) Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, including the amount of breakage or brokerage fees, deposits or other undue penalties, or in the provision of services or facilities in connection therewith.

~~{3.}~~ (c) Make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination, or an intention to make any preference, limitation or discrimination. As used in this subsection, "dwelling" includes a house, room or unit described in ~~{subsection 2 or 3 of NRS 118.060.}~~ paragraphs (a) and (b) of subsection 5.

~~{4.}~~ (d) Represent to any person because of race, ~~{religious creed},~~ color, religion, national origin, disability, sexual orientation, gender identity or expression, ~~{ancestry},~~ familial status or sex that any dwelling is not available for inspection, sale or rental when the dwelling is in fact so available.

~~{5.}~~ (e) For profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person of a particular race, ~~{religious creed},~~ religion, color, national origin, disability, sexual orientation, gender identity or expression, ~~{ancestry},~~ familial status or sex.

~~{6. Coerce,}~~

(f) Deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or discriminate against any person in the terms or conditions of such access, membership or participation.

2. A person shall not discriminate against any person in making available a residential real estate related transaction, or in the terms or conditions of such a transaction.

3. A person shall not coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed or aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected in ~~[this chapter.]~~ NRS 118.010 to 118.120, inclusive, and sections 31, 32 and 33 of this act.

4. The provisions of this section:

(a) Do not prohibit a person engaged in the business of furnishing appraisals of real property from considering factors other than race, color, religion, sex, national origin, sexual orientation, gender identity or expression, familial status or disability in performing an appraisal.

(b) Do not prohibit a religious organization, association or society, or a nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental or occupancy of any dwelling which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preferences to such persons, unless membership in the religion is restricted on account of race, color or national origin.

(c) Do not prohibit a private club which is not open to the public and which, as an incident to its primary purposes, provides lodgings that it owns or operates for other than a commercial purpose from limiting the rental or occupancy of those lodgings to its members or from giving preference to its members.

(d) With regard to the prohibition against discrimination based on familial status, do not apply to housing for older persons.

5. Except as otherwise provided in paragraph (c) or (f) of subsection 1 or subsection 2, 3 or 6, the provisions of this section do not apply to:

(a) A single-family house sold or rented by a private individual owner if:

(1) The private individual owner does not own more than three single-family houses;

(2) The private individual owner does not own any interest in, and there is not owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to any portion of the proceeds from the sale or rental of more than three single-family houses; and

(3) The house is sold or rented:

(I) Without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman licensed under chapter 645 of NRS, other person in the business of selling or renting dwellings or the employee or agent of such a real estate broker, agent or salesman or other person; and

(II) Without the publication, posting or mailing of any advertisement or written notice in violation of paragraph (c) of subsection 1.

(b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by not more than four families living independently of each other if the owner maintains and occupies one of the living quarters as his or her residence.

6. In the event of the sale of a single-family house by a private individual owner who does not reside in the house at the time of the sale or who was not the most recent resident of the house before the sale, the exemption from the provisions of this section set forth in paragraph (a) of subsection 5 applies only with respect to one such sale within any 24-month period.

7. The provisions of this section do not prohibit the use by any person of such attorneys, escrow agents, commissioned abstracters, title companies or other professional assistance as necessary to perfect or transfer title to real property.

8. For the purposes of this section, a person shall be deemed to be in the business of selling or renting dwellings if the person:

(a) Has, within the immediately preceding 12 months, participated as a principal in three or more transactions involving the sale or rental of any dwelling or any interest in a dwelling;

(b) Has, within the immediately preceding 12 months, participated as an agent, other than in the sale of his or her own residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest in a dwelling; or

(c) Is the owner of any dwelling occupied by, or designed or intended for occupancy by, five or more families.

9. As used in this section, unless the context otherwise requires:

(a) "Housing for older persons" means housing that is:

(1) Provided under any state or federal program which the Secretary of Housing and Urban Development determines is specifically designed and operated to assist elderly persons;

(2) Intended for and occupied solely by persons who are 62 years of age or older; or

(3) Intended and operated for occupancy by persons who are 55 years of age or older and:

(I) At least 80 percent of the occupied units are occupied by at least one person who is 55 years or older; and

(II) Applicable rules for verification of occupancy are complied with.

(b) "Residential real estate related transaction" means:

(1) The making or purchasing of loans or providing other financial assistance for purchasing, constructing, improving, repairing or maintaining a dwelling;

(2) The making or purchasing of loans or providing other financial assistance secured by residential real estate; or

(3) The selling, brokering or appraising of residential real estate.

Sec. 40. NRS 118.101 is hereby amended to read as follows:

118.101 1. A person may not refuse to ~~fr~~

~~(a) Authorize~~ authorize a person with a disability to make reasonable modifications to a dwelling which he or she occupies or will occupy if:

~~((1))~~ (a) The person with the disability pays for the modifications; and

~~{{(2)}} (b) The modifications ~~[are]~~ may be necessary to ~~[ensure that]~~ afford the person with the disability ~~[may use and enjoy]~~ the full enjoyment of the dwelling . ~~[- or~~~~

~~— (b) Make reasonable accommodations in rules, policies, practices or services if those accommodations are necessary to ensure that the person with the disability may use and enjoy the dwelling.]~~

2. A landlord may, as a condition for the authorization of such a modification, reasonably require the person who requests the authorization, upon the termination of his or her occupancy, to restore the *interior of the dwelling* to the condition that existed before the modification, reasonable wear and tear excepted.

3. Except as otherwise provided in subsection 4, a landlord may not increase the amount of security the landlord customarily requires a person to deposit because that person has requested authorization to modify a dwelling pursuant to subsection 1.

4. If a person requests authorization to modify a dwelling pursuant to subsection 1, the landlord may require that person to deposit a reasonable amount of security in addition to the amount the landlord usually requires if the additional amount:

(a) Is necessary to ensure the restoration of the dwelling pursuant to subsection 2;

(b) Does not exceed the actual cost of the restoration; and

(c) Is *collected over a reasonable period and* deposited by the landlord in an interest-bearing account. Any interest earned on the additional amount must be paid to the person who requested the authorization.

5. *A person may not refuse to make reasonable accommodations in rules, policies, practices or services which may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling.*

6. As used in this section, "security" has the meaning ascribed to it in NRS 118A.240.

Sec. 41. NRS 118.103 is hereby amended to read as follows:

118.103 1. A covered multifamily dwelling which is designed and constructed for occupancy on or after ~~[March 13, 1991,]~~ *October 1, 2021*, must be constructed in such a manner that the *primary entrance to the dwelling* ~~[contains at least one entrance which]~~ is accessible to a person with a disability unless it is impracticable to so design or construct the dwelling because of the terrain or unusual characteristics of the site upon which it is constructed.

2. ~~[A] Such a covered multifamily dwelling ~~[which contains at least one entrance which is accessible to a person with a disability]~~ must be constructed in such a manner that:~~

(a) The ~~[common]~~ areas of the dwelling *intended for public use or common use* are readily accessible to and usable by a person with a disability;

(b) The doors of the dwelling are sufficiently wide to allow a person with a disability to enter and exit in a wheelchair;

(c) The units of the dwelling contain:

- (1) An accessible route into and through the dwelling;
- (2) Reinforcements in the bathroom walls so that bars for use by a person with a disability may be installed therein; and
- (3) Kitchens and bathrooms *which are usable by a person in a wheelchair and in which such a person* ~~[in a wheelchair]~~ may maneuver; and
- (d) The light switches, electrical outlets, thermostats or any other environmental controls in the units of the dwelling are placed in such a manner that they are accessible to a person in a wheelchair.

3. As used in this section, "covered multifamily dwelling" means:

- (a) A building which consists of four or more units and contains at least one elevator; ~~for~~ and
- (b) The units located on the ground floor of any other building which consists of four or more units.

Sec. 42. NRS 118.105 is hereby amended to read as follows:

118.105 1. ~~[Except as otherwise provided in subsection 2, a]~~ A landlord ~~[may]~~ must not refuse to rent a dwelling subject to the provisions of chapter 118A of NRS to a person with a disability solely because ~~[an]~~ a service animal *which affords the person an equal opportunity to use and enjoy the dwelling* will be residing with the prospective tenant in the dwelling . ~~[if the animal assists, supports or provides service to the person with a disability.]~~

2. ~~[A landlord may require proof that an animal assists, supports or provides service to the person with a disability. This requirement may be satisfied, without limitation, by a statement from a provider of health care that the animal performs a function that ameliorates the effects of the person's disability.]~~ As used in this section, "service animal" has the meaning ascribed to it in NRS 426.097.

Sec. 43. NRS 118.110 is hereby amended to read as follows:

118.110 Any aggrieved person ~~[who claims to have been injured by a discriminatory housing practice or who believes that he or she will be injured by such a practice that is about to occur]~~ may file a complaint with the Commission in the manner prescribed in NRS 233.160 ~~[.]~~ and avail himself or herself of the rights and remedies set forth in NRS 233.165 and sections 14, 15 and 16 of this act.

Sec. 44. NRS 118.120 is hereby amended to read as follows:

118.120 ~~[Any]~~

1. *Except as otherwise provided in subsection 2, an aggrieved person* may commence an action in any district court in this state to enforce the provisions of NRS 118.100, 207.300, 207.310, 645.321 or 645C.480 *and sections 31, 32 and 33 of this act* not ~~[less]~~ more than 1 year after the date of the occurrence or termination of an alleged violation of any of those provisions. If the court determines that the provisions of any of those sections have been violated by the defendant, and that the plaintiff has been injured thereby, it may enjoin the defendant from continued violation or may take such other affirmative action as may be appropriate, and, in the case of a prevailing plaintiff, may award to

the plaintiff actual damages, punitive damages, court costs and a reasonable attorney's fee.

2. *The limitation on commencing an action set forth in subsection 1 is tolled by the filing of a complaint with the Commission and during the pendency of the complaint before the Commission.*

3. *An aggrieved person may commence a civil action under this section regardless of whether the person has filed a complaint under NRS 118.110, unless the person has entered into a conciliation agreement concerning the complaint or the Commission has commenced a hearing pursuant to section 14 of this act with respect to the matters alleged in the complaint.*

Sec. 45. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 44, inclusive, of this act become effective:

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

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

Senator Dondero Loop moved that the Senate concur in Assembly Amendments Nos. 610, 746, 801 to Senate Bill No. 254.

Remarks by Dondero Loop.

Amendment No. 610 to Senate Bill No. 254 deletes section 33.5 regarding discrimination based on source of income.

Amendment No. 746 to Senate Bill No. 254 limits the applicability of section 33 to any dwelling owned by a natural person and contains five or more units and any dwelling owned by a corporation or other business entity.

Amendment No. 801 to Senate Bill No. 254 removes dwellings owned by a corporation or other business entity from provisions contained in section 33.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 386.

The following Assembly amendment was read:

Amendment No. 817.

SUMMARY—Revises provisions relating to certain businesses. (BDR 53-1010)

AN ACT relating to employment practices; requiring certain employers to provide certain employees with written notices containing certain information in the event of a layoff; requiring an employer to retain certain information relating to a laid-off employee; requiring an employer to offer certain job positions to a laid-off employee under certain circumstances; prohibiting an employer from taking certain adverse actions against certain persons; authorizing civil actions and actions by the Labor Commissioner to enforce certain provisions; providing for the severability of certain provisions by a court under certain circumstances; revising certain requirements for regulations relating to public accommodation facilities and SARS-CoV-2, which must be adopted by the Director of the Department of Health and Human Services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

On January 31, 2020, the United States Secretary of Health and Human Services declared a public health emergency based on the threat caused by the novel coronavirus. Subsequently, the President of the United States and the World Health Organization issued a proclamation and announcement, respectively, regarding the COVID-19 threat. On March 12, 2020, the Governor of Nevada issued the Declaration of Emergency for COVID-19. Since the date of the Declaration of Emergency by the Governor, the Governor has issued numerous COVID-19 declaration of emergency directives, setting forth closures, safety precautions and capacity limitations for public accommodations, other businesses and governmental facilities. As a result of the pandemic, casino, hospitality, stadium and travel-related employers have discharged, laid off and furloughed workers.

Under existing law, and in the absence of collective bargaining agreements providing applicable protections, workers who were discharged, laid off or furloughed due to the pandemic are not required to be recalled to their previous positions of employment. This bill requires certain employers that discharged, laid off or furloughed employees to offer job positions to those employees under certain conditions.

Section 3 of this bill sets forth the Legislature's intent that certain employees have an opportunity to return to their jobs when circumstances permit.

Section 4 of this bill provides that the provisions of this bill constitute minimum labor standards and do not: (1) preempt or prevent standards which provide employees with greater protections or benefits; or (2) supersede an employee's right to recall pursuant to a collective bargaining agreement.

Sections 5-19 of this bill define certain terms applicable to the provisions of this bill.

Section 20 of this bill requires an employer, in the event of a layoff, to provide an employee who is to be laid off with a written notice containing certain information regarding the layoff and the employee's right to reemployment.

Section 21 of this bill requires an employer to retain certain information for 2 years if an employee is laid off.

Section 22 of this bill: (1) requires an employer to offer a laid-off employee certain job positions; (2) sets forth an order of preference for job offers if multiple eligible employees were laid off; (3) requires the employer to afford a laid-off employee not less than 24 hours within which to accept or decline an offer; (4) requires an employer to provide a laid-off employee with notice of the reasons for declining to recall the laid-off employee under certain circumstances; and (5) sets forth certain circumstances under which an employer is not required to extend additional offers of employment to a laid-off employee.

Section 23 of this bill prohibits an employer from taking certain adverse actions against certain persons for taking certain actions in relation to the provisions of this bill.

Section 24 of this bill: (1) authorizes the enforcement of the provisions of this bill by an aggrieved employee through the Labor Commissioner or in a civil action; (2) establishes certain requirements which must be met before an aggrieved employee may file a complaint with the Labor Commissioner or file a civil action; (3) sets forth certain standards for establishing and rebutting certain presumptions concerning violations of the provisions of this bill in such an action; and (4) authorizes the granting of certain awards to a prevailing plaintiff and the imposition of certain penalties for violations of the provisions of this bill.

Section 25 of this bill: (1) imposes the requirements and duties of the provisions of this bill upon certain employers that conduct certain transactions, reorganizations or relocations of operations; and (2) extends the rights afforded by this bill to laid-off employees of such employers.

Section 26 of this bill makes the provisions of this bill applicable to all employees other than laid-off employees who are parties to a valid severance agreement, regardless of whether the employees are represented for purposes of collective bargaining or are covered by a collective bargaining agreement.

Section 27 of this bill prohibits the provisions of this bill from being construed to invalidate or limit certain other rights, remedies or procedures available to an employee.

Section 28 of this bill provides for the severability of provisions of this bill by a court under certain circumstances.

Existing law requires the Director of the Department of Health and Human Services to adopt regulations requiring a public accommodation facility to establish standards for cleaning that are designed to reduce the transmission of SARS-CoV-2. (NRS 447.335) Section 28.1 of this bill revises those standards.

Existing law requires the Director to adopt regulations requiring each public accommodation facility to establish protocols to: (1) limit the transmission of SARS-CoV-2; and (2) train staff concerning the prevention and mitigation of SARS-CoV-2 transmission. (NRS 447.340) Section 28.2 of this bill eliminates the requirement to adopt certain protocols relating to social distancing.

Existing law requires the Director to adopt regulations requiring each public accommodation facility to establish, implement and maintain a written SARS-CoV-2 response plan that provides testing and time off for employees who have been exposed to SARS-CoV-2, are experiencing the symptoms of COVID-19 or have been diagnosed with COVID-19. (NRS 447.345) Section 28.3 of this bill: (1) eliminates from such response plans certain requirements relating to testing and screening for exposure to SARS-CoV-2; (2) revises provisions governing the circumstances under which an employee who is required to take time off due to COVID-19 must be paid for that time off; and (3) eliminates provisions which authorize an employer who operates a public accommodation facility to submit a request to the Director to increase or decrease the amount of days off required by these provisions.

Existing law authorizes the Secretary of State to suspend the business license of a person until the person complies, in good faith, with controlling health

standards. Under existing law, these provisions expire by limitation on the later of July 1, 2023, or the date on which the Governor terminates the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020. (NRS 76.172) Section 28.4 of this bill eliminates the date of expiration so that the provisions do not expire.

Section 28.5 of this bill: (1) authorizes the Director to amend regulations, if necessary and within 5 business days after the effective date of this bill, to conform to the provisions of sections 28.1, 28.2 and 28.3 of this bill; (2) requires a district board of health of a health district to adopt regulations that are substantively identical to the regulations adopted by the Director within 10 days after the Director adopts such regulations; and (3) provides that any provisions of regulations adopted by the Director or a district board of health of a health district that are in conflict with the provisions of sections 28.1, 28.2 and 28.3 of this bill are unenforceable as of the effective date of this act.

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 2 to 28, inclusive, of this act.

Sec. 2. *Sections 2 to 28, inclusive, of this act may be cited as the Nevada Hospitality and Travel Workers Right to Return Act.*

Sec. 3. *The Legislature hereby finds that:*

1. *COVID-19, also known as the "Coronavirus Disease," is a respiratory disease which has spread across the globe, with many thousands of cases in Nevada.*

2. *On January 31, 2020, the United States Secretary of Health and Human Services declared a public health emergency based on the threat caused by the novel coronavirus, and, thereafter, the President of the United States issued the Proclamation Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak, beginning March 1, 2020.*

3. *The World Health Organization announced on March 11, 2020, that it had characterized COVID-19 as a pandemic.*

4. *On March 12, 2020, the Governor of Nevada issued the Declaration of Emergency for COVID-19, declaring the existence of an emergency in the State.*

5. *On March 13, 2020, the President declared a nationwide emergency pursuant to section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121 et seq.*

6. *Since the Governor's Declaration of Emergency for COVID-19 on March 12, 2020, the Governor has issued numerous COVID-19 declaration of emergency directives, setting forth closures, safety precautions and capacity limitations for public accommodations, other businesses and governmental facilities and removing such restrictions as appropriate.*

7. *Jobs in the leisure and hospitality sectors are central to this State's economy and to the well-being of this State as a whole. According to the*

Budget Division of the Office of Finance, leisure and hospitality jobs constituted a significant portion of total employment in this State during 2019.

8. *Since the declaration of a national public health emergency on January 31, 2020, the COVID-19 pandemic has caused casino, hospitality, stadium and travel-related employers to discharge, lay off and furlough workers on a massive scale. As of December 2020, according to the Bureau of Labor Statistics of the United States Department of Labor, Nevada experienced a significant annual decrease in leisure and hospitality employment, the largest decline of any sector in Nevada.*

9. *Many thousands of casino, hospitality, stadium and travel-related workers have been separated from their jobs already during the pandemic.*

10. *It is in the public interest and beneficial to the public welfare to ensure that the State's casino, hospitality, stadium and travel-related employers honor their former employees' right to return to their former positions because doing so will speed the transition back to a functioning labor market and will lessen the damage to the State's economy. Recalling workers instead of searching for new employees could minimize the time necessary to match employees with jobs and reduce the unemployment rate more quickly.*

11. *It is in the public interest and beneficial to the public welfare to provide laid-off employees in the casino, hospitality, stadium and travel-related sectors with the economic security of knowing that they will have an opportunity to return to their jobs when business returns. In a typical recession, workers who are permanently laid off, without recall, often cycle through short-term jobs before finding a stable job, and many drop out of the labor market altogether. In addition, workers who believe that they are likely to be called back to a steady job are more likely to continue spending money. Ensuring a path to rehiring can relieve workers' anxiety, which can bolster morale and increase consumer spending, thereby supporting economic recovery.*

Sec. 4. 1. *The purpose of sections 2 to 28, inclusive, of this act is to ensure minimum labor standards.*

2. *The provisions of sections 2 to 28, inclusive, of this act do not:*

(a) *Preempt or prevent the establishment of employment standards which are more protective of, or more beneficial for, employees, including, without limitation, higher wages or the expansion of coverage by any other action of this State; or*

(b) *Supersede an employee's right to recall contained in a collective bargaining agreement, which right shall govern in the event of a conflict with an employee's rights set forth in sections 2 to 28, inclusive, of this act.*

Sec. 5. *As used in sections 2 to 28, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 6 to 19, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 6. *"Airport" has the meaning ascribed to it in NRS 496.020.*

Sec. 7. 1. "Airport hospitality operation" means a business that provides food and beverage, retail or other consumer goods or services to the public at an airport.

2. The term does not include an air carrier which has been issued an air carrier operating certificate by the Federal Aviation Administration.

Sec. 8. 1. "Airport service provider" means a business entity that performs, under contract with a passenger air carrier:

(a) Functions for the catering of food and beverage; or

(b) Functions on the property of the airport that are directly related to the air transportation of persons, property or mail, including, without limitation:

(1) The loading and unloading of property on aircraft;

(2) Assistance to passengers pursuant to 14 C.F.R. Part 382;

(3) Security;

(4) Airport ticketing and check-in;

(5) Ground-handling of aircraft; and

(6) Aircraft cleaning, sanitization and waste removal.

2. The term does not include an air carrier which has been issued an air carrier operating certificate by the Federal Aviation Administration.

Sec. 9. "Business entity" means a natural person, corporation, partnership, limited partnership, limited-liability partnership, limited-liability company, business trust, estate, trust, association, joint venture, agency, instrumentality or any other legal or commercial entity, whether domestic or foreign.

Sec. 10. 1. Except as otherwise provided in subsection 3, "casino" has the meaning ascribed to the term "licensed gaming establishment" in NRS 463.0169.

2. The term includes any contracted, leased or sublet premises that are connected to or operated in conjunction with the purpose of the casino, including, without limitation, facilities for the preparation of food, concessions, retail stores, restaurants, bars and structured parking facilities.

3. The term does not include:

(a) A restricted operation; or

(b) A licensed gaming establishment, as defined in NRS 463.0169, which operates solely pursuant to a restricted license.

Sec. 11. "Covered enterprise" means an airport hospitality operation, an airport service provider, a casino, an event center or a hotel that is located in a county whose population is 100,000 or more.

Sec. 12. 1. Except as otherwise provided in subsection 2, "employee" has the meaning ascribed to it in NRS 608.010.

2. The term does not include:

(a) Any employee who is:

(1) Employed in a managerial or executive capacity; and

(2) Exempt from the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., pursuant to 29 U.S.C. § 213(a)(1); or

(b) Any person who is engaged as a theatrical or stage performer, including, without limitation, at an exhibition.

Sec. 13. "Employer" means any business entity which directly or indirectly through an agent or any other business entity, including through the services of a temporary employment service, staffing agency or similar entity, owns or operates a covered enterprise within this State and ~~employs~~ :

1. Employs or exercises control over the wages, hours or working conditions of ~~an employee~~ 30 or more employees; or

2. Employed or exercised control over the wages, hours or working conditions of 30 or more employees on March 12, 2020.

Sec. 14. 1. "Event center" means a publicly or privately owned structure of more than 50,000 square feet or containing more than 5,000 seats that is used for the purposes of public performances, sporting events, business meetings or similar events and includes, without limitation, a concert hall, stadium, sports arena, race track, coliseum or convention center.

2. The term includes any contracted, leased or sublet premises that are connected to or operated in conjunction with the purpose of the event center, including, without limitation, facilities for the preparation of food, concessions, retail stores, restaurants, bars and structured parking facilities.

Sec. 15. 1. "Hotel" means:

(a) A resort hotel; or

(b) Any other residential building that:

(1) Is designated or used for lodging and other related services for the public, including, without limitation, the preparation and service of food and beverages, trade shows and conventions; and

(2) Contains not less than 200 guest rooms or suites of rooms. For the purposes of this paragraph, adjoining rooms do not constitute a suite of rooms.

2. The term also includes any contracted, leased or sublet premises that:

(a) Is connected to or operated in conjunction with the purpose of the resort hotel or residential building; or

(b) Provides services at the resort hotel or residential building.

Sec. 16. "Laid-off employee" means an employee:

1. Who was employed by an employer for not less than 6 months during the 12 months immediately preceding March 12, 2020; and

2. Whose most recent separation from active service for that employer:

(a) Occurred after March 12, 2020; and

(b) Was due to a governmental order, lack of business, reduction in force or another economic, nondisciplinary reason.

Sec. 17. "Length of service" means the total of all periods of time during which an employee has been in active service, including periods of time during which the employee was on leave or on vacation.

Sec. 18. "Resort hotel" means:

1. A resort hotel, as defined in NRS 463.01865;

2. An establishment described in section 19 of chapter 452, Statutes of Nevada 1997; or

3. A resort hotel described in section 20 of chapter 452, Statutes of Nevada 1997.

Sec. 18.5. "Restricted license" and "restricted operation" have the meaning ascribed to those terms in NRS 463.0189.

Sec. 19. "Structured parking facility" means a parking deck, parking garage, parking structure or paved or unpaved parking lot.

Sec. 20. 1. In the event of a layoff, an employer shall provide an employee who is to be laid off with written notice of the layoff, either in person or mailed to the last known address of the employee and, if the employer possesses such contact information, by telephone, text message or electronic mail.

2. The employer shall provide the notice required by this section at the time of the layoff or, if the layoff took place before the effective date of this act, not later than 20 days after the effective date of this act.

3. The employer shall provide the notice required by this section to each affected employee in Spanish, English and any other language that is spoken by not less than 10 percent of the employer's workforce.

4. The notice required by this section must include:

(a) A notice of the layoff and the effective date of the layoff.

(b) A summary of the right to reemployment pursuant to sections 2 to 28, inclusive, of this act or clear instructions on the means by which the employee may access the information regarding that right.

(c) Contact information for the person who the employer has designated to receive, on behalf of the employer, an aggrieved employee's written notice of an alleged violation pursuant to paragraph (a) of subsection 2 of section 24 of this act.

Sec. 21. 1. An employer shall retain the following records for not less than 2 years after an employee is laid off:

(a) The full legal name of the employee;

(b) The job classification of the employee at the time of the separation from employment;

(c) The date of hire of the employee;

(d) The last known address of the employee;

(e) The last known electronic mail address of the employee;

(f) The last known telephone number of the employee;

(g) A copy of the written notice regarding the layoff that was provided to the employee; and

(h) Records of each offer made by the employer to the employee pursuant to subsection 1 of section 22 of this act, including, without limitation, the date and time of each offer.

2. For the purposes of this section, 2 years is measured from the date of the written notice provided by the employer to the laid-off employee pursuant to section 20 of this act.

Sec. 22. 1. An employer shall offer a laid-off employee in writing, by mail to the last known address of the employee and, if the employer possesses

such contact information, by telephone, text message or electronic mail, each job position:

(a) Which becomes available after the effective date of this act; and

(b) For which the laid-off employee is qualified. A laid-off employee is qualified for a job position pursuant to this paragraph if the laid-off employee:

(1) Held the same position at the covered enterprise at the time of the laid-off employee's most recent separation from active service with the employer; or

(2) Held a similar position within the same job classification at the covered enterprise at the time of the laid-off employee's most recent separation from active service with the employer.

2. An employer shall offer job positions to laid-off employees in an order of preference corresponding to subparagraphs (1) and (2) of paragraph (b) of subsection 1. If more than one laid-off employee is entitled to preference for a position, the employer must first offer the position to the laid-off employee with the greatest length of service for the covered enterprise.

3. An employer may extend simultaneous conditional offers of employment to laid-off employees with a final offer of employment conditioned on application of the order of preference set forth in subparagraphs (1) and (2) of paragraph (b) of subsection 1.

4. An employer who offers a laid-off employee a job position pursuant to this section shall afford the employee not less than 24 hours after the time of the employee's receipt of the offer to accept or decline the offer. A laid-off employee who is offered a job position pursuant to this section must be available to return to work within 5 calendar days after accepting the offer. If a laid-off employee who is offered a job position pursuant to this section:

(a) Does not accept or decline the offer within 24 hours; or

(b) Is not available to return to work within 5 calendar days after accepting the offer,

➡ the employer may recall the next available employee with the greatest length of service for the covered enterprise.

5. An employer who declines to recall a laid-off employee because the employee lacks qualifications and hires a person other than the laid-off employee shall, not later than 30 days after making that decision, provide the laid-off employee with a written notice of the decision identifying all the reasons for the decision.

6. An employer is not required to extend additional offers of employment to a laid-off employee pursuant to this section if any of the following applies:

(a) The employee states in writing that:

(1) The employee does not wish to be considered for future open positions with the employer; or

(2) The employee does not wish to be considered for future open positions with the employer which have regularly scheduled hours of work that are different from those which the employee worked immediately before his or her last separation from active service with the employer.

(b) The employer extends three bona fide offers of employment to the employee, with not less than 3 weeks between each offer, and the employee declines all three offers. For purposes of this paragraph, "bona fide offer" means an offer of employment in the same or a similar job classification and with a comparable number of regularly scheduled hours of work as the employee worked immediately before his or her last separation from active service with the employer.

(c) The employer attempts to make three offers of employment to the employee using the methods described in subsection 1 and:

- (1) Each offer made by mail is returned as undeliverable;
- (2) If the employer has the electronic mail address of the employee, any offer made by electronic mail is returned as undeliverable; and
- (3) If the employer has contact information provided by the employee for telephone calls or text messages, the number provided for such calls or messages is no longer in service.

Sec. 23. An employer shall not terminate, reduce in compensation, refuse to employ or otherwise take any adverse action against:

1. Any person for:

- (a) Seeking to enforce by any lawful means his or her rights pursuant to sections 2 to 28, inclusive, of this act;
- (b) Participating in proceedings pursuant to sections 2 to 28, inclusive, of this act; or
- (c) Opposing any practice proscribed by sections 2 to 28, inclusive, of this act.

2. An employee who mistakenly, but in good faith, alleges noncompliance with sections 2 to 28, inclusive, of this act.

Sec. 24. 1. The provisions of sections 2 to 28, inclusive, of this act may be enforced by an aggrieved employee through the Labor Commissioner or in a civil action in any court of competent jurisdiction.

2. An aggrieved employee may file a complaint with the Labor Commissioner or file a civil action in any court of competent jurisdiction alleging a violation of the provisions of sections 2 to 28, inclusive, of this act only after the following requirements are met:

- (a) The employee provides the employer with written notice, including, without limitation, by electronic mail, of the alleged violation and any facts known by the employee to support the allegation of the violation; and
- (b) The employer is afforded 15 days after the date of receipt of the written notice to cure any alleged violation.

3. There is a rebuttable presumption that an employer's action is taken in violation of section 23 of this act if it is established that:

- (a) A laid-off employee exercised rights pursuant to the provisions of sections 2 to 28, inclusive, of this act or alleged in good faith that the employer was not complying with the provisions of sections 2 to 28, inclusive, of this act;
- (b) The employer thereafter terminated, demoted or otherwise took adverse action against the employee; and

(c) The employer took the action described in paragraph (b) against the employee not later than 60 days after the employee exercised rights or made an allegation described in paragraph (a).

4. An employer may rebut a presumption created pursuant to subsection 3 by proving that the true and entire reason for the action taken pursuant to paragraph (b) of subsection 3 was a legitimate business reason. The plaintiff in the action may rebut the legitimate business reason asserted by the employer by showing that the reason was, in fact, a pretext.

5. An employee or employees who establish a violation of sections 2 to 28, inclusive, of this act may be awarded any or all of the following, as appropriate:

(a) Rights of hiring and reinstatement.

(b) Future and back pay for each day during which the violation continues, which shall be calculated at a rate of compensation not less than the greatest of any of the following rates:

(1) The average regular rate of pay received by the laid-off employee during the last 3 years of that employee's employment in the same job classification.

(2) The most recent regular rate of pay received by the laid-off employee while employed by the employer.

(3) The regular rate of pay received by an employee occupying the job position in place of the laid-off employee who should have been employed in that position.

(4) The value of the benefits which the laid-off employee would have received under the benefit plan provided by the employer.

6. Any employer, agent of the employer or other person who violates or causes to be violated any provision of sections 2 to 28, inclusive, of this act shall be subject to:

(a) A civil penalty of \$100 for each employee whose rights under the provisions of sections 2 to 28, inclusive, of this act are violated; and

(b) The imposition of an additional sum payable to each employee as compensatory and liquidated damages in the amount of \$500 for each day the rights provided to that employee pursuant to sections 2 to 28, inclusive, of this act are violated. Such damages shall be continuing until such time as the violation is cured.

7. The Labor Commissioner or the court may also award attorney's fees to a prevailing plaintiff in an action filed pursuant to this section.

8. No criminal penalties may be imposed for a violation of sections 2 to 28, inclusive, of this act.

Sec. 25. 1. An employer that, on or after January 31, 2020:

(a) Purchases or otherwise acquires the ownership of another employer which owns or operates a covered enterprise; and

(b) Conducts the same or similar operations as those which were conducted by the employer that owned or operated the covered enterprise before the date of the purchase or acquisition,

➡ is subject to the provisions of sections 2 to 28, inclusive, of this act as if the purchasing or acquiring employer was the employer that owned or operated the covered enterprise before the date of the purchase or acquisition and owes to a laid-off employee the rights afforded by sections 2 to 28, inclusive, of this act.

2. An employer that, on or after January 31, 2020:

(a) Purchases or otherwise acquires all or substantially all of the assets of an employer that owned or operated a covered enterprise; and

(b) With those assets, conducts the same or similar operations as those which were conducted by the employer that conducted operations with those assets before the date of the purchase or acquisition,

➡ is subject to the provisions of sections 2 to 28, inclusive, of this act as if the employer which purchased or acquired the assets was the employer that conducted operations with those assets before the date of the purchase or acquisition and owes to a laid-off employee the rights afforded by sections 2 to 28, inclusive, of this act.

3. An employer which:

(a) Owns or operates a covered enterprise; and

(b) On or after January 31, 2020, changes the employer's form of organization but continues to own or operate the covered enterprise,

➡ remains subject to the provisions of sections 2 to 28, inclusive, of this act and owes to a laid-off employee the rights afforded by sections 2 to 28, inclusive, of this act.

4. An employer which moves operations from a location at which a laid-off employee was employed before January 31, 2020, to a different location within this State remains subject to the provisions of sections 2 to 28, inclusive, of this act and owes to the laid-off employee the rights afforded by sections 2 to 28, inclusive, of this act.

Sec. 26. 1. Except as otherwise provided in subsection 2, the provisions of sections 2 to 28, inclusive, of this act apply to all employees, as defined in section 12 of this act, regardless of whether the employees are represented for purposes of collective bargaining or are covered by a collective bargaining agreement.

2. The provisions of sections 2 to 28, inclusive, of this act do not apply to a laid-off employee who is a party to a valid severance agreement.

Sec. 27. The provisions of sections 2 to 28, inclusive, of this act shall not be construed to:

1. Invalidate or limit the rights, remedies and procedures of any contract or agreement that provides greater or equal protection for employees than are afforded by the provisions of sections 2 to 28, inclusive, of this act, notwithstanding the provisions of section 26 of this act.

2. Limit a discharged employee's right to bring a cause of action for wrongful termination under common law.

Sec. 28. 1. If any section, sentence, clause or phrase of sections 2 to 28, inclusive, of this act is for any reason held to be invalid or unconstitutional by

a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of sections 2 to 28, inclusive, of this act, which shall remain in full force and effect.

2. The Legislature hereby declares that it would have adopted the provisions of sections 2 to 28, inclusive, of this act and each and every section, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of sections 2 to 28, inclusive, of this act were subsequently declared invalid or unconstitutional.

3. The courts are hereby authorized to reform the provisions of sections 2 to 28, inclusive, of this act in order to preserve the maximum permissible effect of each section therein.

Sec. 28.1. NRS 447.335 is hereby amended to read as follows:

447.335 1. The Director shall adopt regulations requiring a public accommodation facility to establish standards for cleaning that are designed to reduce the transmission of SARS-CoV-2. Those standards must require only the following and with no greater frequency than provided in this section:

(a) ~~{The use of cleaning products that are qualified by the United States Environmental Protection Agency for use against SARS CoV 2 for the cleaning required by paragraphs (b) to (p), inclusive.~~

~~—(b)}~~ Desks, tabletops, ~~{minibars that have been used after the most recent cleaning,}~~ interior and exterior handles of doors, faucets, toilets, ~~{nonporous headboards of beds,}~~ light switches, remote controls, telephones, keyboards ~~{,}~~ and touch screens ~~{, bed linens, towels, bed scarves and other decorative items on beds}~~ in guest rooms to be cleaned every day that the room is in use unless the guest using the room declines in-room housekeeping.

~~{{(c)}}~~ (b) The following high-contact areas and items in locations used by the public and employees to be cleaned ~~{regularly throughout the day}~~ daily while in use:

(1) Fixtures with which guests and employees may be expected to have regular physical contact;

(2) Doors and door handles at exterior entrances;

(3) Door handles at interior entrances regularly accessed by guests and employees;

(4) Regularly used computer keyboards, touch screens, credit card readers, printers, telephones, light switches, ice machines, vending machines and other frequently used instruments and equipment; and

(5) Countertops and desks in entrance areas and other high-usage areas.

~~{{(d)}}~~ (c) Glass surfaces, desks, tabletops, door handles and light switches in public areas to be cleaned ~~{regularly throughout the day}~~ daily while in use.

~~{{(e)}}~~ (d) Counters, desks, touch screens, keyboards, credit card readers and desktops in front desk areas to be cleaned ~~{regularly throughout the day}~~ daily while in use.

~~{{(f)}}~~ (e) Key cards and other types of keys for accessing rooms to be cleaned before those key cards or other keys are issued to another guest or removed from circulation for at least 24 hours after a guest checks out.

~~{{(g)}} (f)~~ Elevator buttons and rails in guest and service elevators to be cleaned ~~[regularly throughout the day]~~ *daily* if the elevator is in use.

~~{{(h)}} (g)~~ Sinks, faucets, walls, toilets, toilet paper dispensers and door handles in employee and public restrooms to be cleaned regularly throughout the day while in use.

~~{{(i)}} (h)~~ Work surfaces, tables, utensils, counters, touch screens and keyboards in areas used for food preparation to be cleaned regularly throughout the day.

~~{{(j)}} (i)~~ Tables, desks, tabletops, door handles and light switches in shared offices, employee locker rooms and employee cafeterias to be cleaned ~~[regularly throughout the day]~~ *daily* while in use.

~~{{(k)}} (j)~~ Exercise equipment, weights, tables, countertops, chairs, lockers and benches in fitness centers to be cleaned ~~[regularly throughout the day]~~ *daily* while in use.

~~{{(l)}} (k)~~ Tabletops in meeting rooms to be cleaned while in use.

~~{{(m)}} (l)~~ Tables, bartops, menus and check presentation holders in bar and dining facilities to be cleaned ~~[after use by a guest]~~

~~—(n)—~~ *daily*.

(m) Touch screens and keyboards in bar and dining facilities to be cleaned ~~[regularly while in use]~~

~~—(o)—~~ *daily*.

(n) Soiled laundry to be cleaned as necessary.

~~{{(p)}} (o)~~ Laundry carts and hampers to be cleaned ~~[regularly throughout the day]~~ *daily* while in use.

2. A public accommodation facility shall not advise or incentivize guests to decline daily in-room housekeeping.

3. An employer operating a public accommodation facility shall conspicuously post at each employee entrance and on each bulletin board where the facility regularly posts official communications with employees:

(a) A one-page summary of the standards adopted pursuant to subsection 1; and

(b) A list of key contact persons at public health agencies.

4. An employer operating a public accommodation facility shall make available to employees or their bargaining representative a physical or electronic copy of the standards adopted pursuant to subsection 1 upon request at no cost.

Sec. 28.2. NRS 447.340 is hereby amended to read as follows:

447.340 The Director shall adopt regulations requiring each public accommodation facility to establish protocols to:

1. Limit the transmission of SARS-CoV-2. Such protocols, must include only the following:

(a) ~~[Methods to encourage, to the extent reasonably possible:~~

~~—(1) Employees to remain at least 6 feet apart from other employees and guests during their work and while on break.~~

~~—(2) Guests to remain at least 6 feet apart from employees and other guests.~~

~~—(b) A requirement that employee breaks must be structured to allow social distancing to the maximum extent recommended by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.~~

~~—(c) A requirement that workstations must be separated by physical barriers or structured to allow social distancing where practicable to the maximum extent recommended by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.~~

~~—(d)}~~ Requirements concerning the frequency of hand cleaning for employees.

~~{{(e)}}~~ (b) A requirement that each employee be provided with access to a sink with soap and water for hand washing or hand sanitizer containing at least 60 percent alcohol within reasonable proximity to the work area of the employee.

~~{{(f)}}~~ (c) Policies providing for the availability of hand sanitizer containing at least 60 percent alcohol near locations where employee meetings are held, breakrooms and cafeterias for employees, front desks, bell desks, lobbies, entrances to food and beverage service and preparation areas, principal entrances to the facility and, in a resort hotel, on the casino floor, if:

(1) Those areas are not near hand washing facilities with soap and water; and

(2) A supply of hand sanitizer containing at least 60 percent alcohol is generally available.

~~{{(g)}}~~ (d) Policies for the distribution, at no cost to the employee, of masks and, where appropriate, gloves, based on public health concerns.

2. Train staff concerning the prevention and mitigation of SARS-CoV-2 transmission in the manner prescribed by the Director.

Sec. 28.3. NRS 447.345 is hereby amended to read as follows:

447.345 1. The Director shall adopt regulations requiring each public accommodation facility to establish, implement and maintain a written SARS-CoV-2 response plan designed to monitor and respond to instances and potential instances of SARS-CoV-2 infection among employees and guests. The plan must include only the following:

(a) The designation of a person or persons responsible for overseeing and carrying out on-site enforcement of the plan. The regulations must not require such a person or persons to be on-site at all times.

~~(b) [A requirement that each new employee and each employee returning to work for the first time after March 13, 2020, must undergo testing for SARS-CoV-2, if such testing is available.~~

~~—(c) The designation of an area of the public accommodation facility where employees will check in every day to receive contact free temperature measurement and review questions to screen for exposure to SARS-CoV-2.~~

~~—(d)}~~ Requirements that:

(1) The public accommodation facility must notify each employee who is known to have had close contact with a guest or employee who has been

diagnosed with COVID-19 not later than 24 hours or as soon as practicable after the employer learns of the diagnosis . ~~[-and]~~

(2) Each such employee must undergo testing for SARS-CoV-2 and, in addition to any other leave to which the employee is entitled, be given:

(I) Not more than 3 days of ~~[-paid]~~ time off to await testing and testing results; and

(II) Additional ~~[-paid]~~ time off if the public accommodation facility receives documentation of a delay in testing or receiving testing results that exceeds 3 days.

~~[(e)]~~ (3) *For each such employee who is fully vaccinated for COVID-19 or who has a verified underlying medical condition that prevents the employee from receiving a vaccination for COVID-19, the time off required pursuant to subparagraph (2) must be paid time off.*

(c) A requirement that each employee who otherwise has a reasonable belief or has been advised that he or she has been in close contact with a person who has tested positive for SARS-CoV-2 must undergo testing for SARS-CoV-2.

~~[(f)]~~ (d) Requirements that each employee who notifies his or her employer that he or she is experiencing symptoms of COVID-19:

(1) Must undergo testing for SARS-CoV-2; and

(2) Must not return to work while awaiting the results of that testing.

~~[(g)]~~ (e) Requirements that each employee described in paragraph ~~[(e)]~~ or ~~[(f)]~~ (c) and notifies his or her employer that he or she is experiencing symptoms of COVID-19 or who is described in paragraph (d) must, in addition to any other leave to which the employee is entitled, be given for the first occurrence on which the employee gives the employer such notification:

(1) Not more than 3 days of ~~[-paid]~~ time off to await testing and testing results . ~~[-and]~~

(2) Additional ~~[-paid]~~ time off if the public accommodation facility receives documentation of a delay in testing or receiving testing results that exceeds 3 days.

~~[(h)]~~ (3) *For each such employee who is fully vaccinated for COVID-19 or who has a verified underlying medical condition that prevents the employee from receiving a vaccination for COVID-19, the time off required pursuant to subparagraphs (1) and (2) must be paid time off.*

(f) A requirement that ~~[-except as otherwise provided in subsection 3,]~~ each employee who tests positive for SARS-CoV-2 or is otherwise diagnosed with COVID-19 and is working or has been recalled to work at the time of the result or diagnosis must be allowed to take at least 14 days off . ~~[-]~~ *For each such employee who is fully vaccinated for COVID-19 or who has a verified underlying medical condition that prevents the employee from receiving a vaccination for COVID-19, at least 10 of ~~[-which]~~ the 14 days described in this paragraph must be paid time off.*

~~[(i)]~~ (g) A requirement that testing for SARS-CoV-2 required by this section must be:

- (1) Provided at no cost to the employee; and
- (2) Performed on-site or at a testing facility selected by the public accommodation facility.

~~{(g)}~~ (h) A requirement that an employee that is required to be tested pursuant to this section authorize the provision of or provide the testing results to the public accommodation facility.

~~{(k)}~~ (i) A requirement that any guest who reports testing positive for SARS-CoV-2 or being diagnosed with COVID-19 must be requested to leave the public accommodation facility if practicable and seek medical attention.

~~{(d)}~~ (j) A requirement that information pertaining to employees and guests who test positive for SARS-CoV-2 or who are diagnosed with or report symptoms of COVID-19 must be kept confidential, unless the employee or guest agrees otherwise and except as required to be disclosed to public health officials and for purposes of contact tracing or cleaning.

2. The regulations adopted pursuant to this section must define the term "close contact" to have the meaning most recently ascribed to it by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services for the purpose of determining when a person has been in close contact with another person who has tested positive for SARS-CoV-2.

3. ~~{An employer who operates a public accommodation facility may submit a request to the Director to increase or decrease the amount of days off required by paragraph (h) of subsection 1. The Director may grant such a request if it is consistent with the recommendations of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services concerning time off for employees who test positive for SARS-CoV-2 or are otherwise diagnosed with COVID-19.}~~

~~—4—~~ For the purposes of this section, paid time off must be calculated at the base rate of pay for the employee. Paid time off taken pursuant to this section:

(a) Must not be deducted from paid time off provided to the employee pursuant to NRS 608.0197 or a policy or contract of the public accommodation facility.

(b) May be deducted from paid sick leave provided pursuant to section 5102(a)(1)-(3) of the Families First Coronavirus Response Act, P.L. 116-127.

~~{5.}~~ 4. The health authority may require a public accommodation facility that is not under the jurisdiction of the Nevada Gaming Control Board to submit a written SARS-CoV-2 response plan to the health authority. Except as otherwise provided in this section and notwithstanding any other law, a written SARS-CoV-2 response plan submitted to the health authority is confidential. The health authority may disclose all or a part of such a plan upon:

(a) The request of an authorized agent of the Federal Government, a foreign government or a state or local governmental entity in this State or any of the several states, territories, possessions and dependencies of the United States, the District of Columbia or Puerto Rico.

(b) The order of a court of competent jurisdiction.

(c) Specific authorization of the chief administrative officer of the health district or, in a location that is not part of a health district, the Chief Medical Officer.

~~{6.}~~ 5. The Nevada Gaming Control Board may require a public accommodation facility that is under the jurisdiction of the Board to submit a written SARS-CoV-2 response plan to the Board, either alone or as part of an emergency response plan adopted pursuant to NRS 463.790.

~~{7.}~~ 6. The provisions of this section must not be construed to preclude an employee who is exposed to or tests positive for SARS-CoV-2 or is diagnosed with COVID-19 from choosing to perform his or her duties remotely instead of taking time off if the job duties of the employee are conducive to remote work.

7. *As used in this section:*

(a) *"Fully vaccinated for COVID-19" has the meaning most recently ascribed to it by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.*

(b) *"Verified underlying medical condition that prevents the employee from receiving a vaccination for COVID-19" means a condition of an employee for whom the SARS-CoV-2 vaccine is not recommended because of a medical exemption that is documented by a note provided by a licensed physician and provided to the employer.*

Sec. 28.4. Section 39 of chapter 8, Statutes of Nevada 2020, 32nd Special Session, at page 114, is hereby amended to read as follows:

Sec. 39. ~~{1.}~~ This act becomes effective upon passage and approval.

~~{2. Section 30 of this act expires by limitation on the later of:~~

~~—(a) The date on which the Governor terminates the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020; or~~

~~—(b) July 1, 2023.~~

Sec. 28.5. 1. The Director of the Department of Health and Human Services may, if necessary and not later than 5 business days after the date on which this act becomes effective, amend regulations adopted pursuant to the provisions of NRS 447.335, 447.340 and 447.345, as amended by sections 28.1, 28.2 and 28.3, respectively, of this act to conform to those provisions.

2. Notwithstanding the 15-day requirement set forth in NRS 447.355, a district board of health of a health district shall, pursuant to NRS 447.355, adopt regulations that are substantively identical to the regulations adopted by the Director of the Department of Health and Human Services pursuant to subsection 1 within 10 days after the adoption of the regulations by the Director pursuant to subsection 1.

3. Any provision of the regulations adopted by the Director or a district board of health of a health district that are in conflict with the provisions of NRS 447.335, 447.340 or 447.345, as amended by sections 28.1, 28.2 and

28.3, respectively, of this act are unenforceable as of the effective date of this act.

Sec. 28.6. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 28.7. 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. 29. 1. This section and sections 28.1 to 28.7, inclusive, of this act become effective upon the later of:

- (a) Passage and approval; or
- (b) June 1, 2021.

2. Sections 1 to 28, inclusive, of this act become effective on July 1, 2021, and expire by limitation on the later of:

- (a) The date on which the Governor terminates the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020; or
- (b) August 31, 2022.

Senator Cannizzaro moved that the Senate concur in Assembly Amendment No. 817 to Senate Bill No. 386.

Remarks by Senator Cannizzaro.

Amendment No. 817 made one change to Senate Bill No. 386. The amendment exempts small businesses that employ, or had employed as of March 12, 2020, less than 30 people.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 420.

The following Assembly amendment was read:

Amendment No. 833.

SUMMARY—Revises provisions relating to health insurance. (BDR 57-251)

AN ACT relating to insurance; providing for the establishment of a public health benefit plan; prescribing certain goals and requirements relating to the plan; requiring certain health carriers to participate in a competitive bidding process to administer the plan; requiring certain providers of health care to participate in the plan; exempting rules and policies governing the plan from certain requirements; requiring the Executive Director of the Silver State Health Insurance Exchange to apply for a federal waiver to allow certain policies to be offered on the Exchange; requiring certain persons to report the abuse and neglect of older persons, vulnerable persons and children; requiring the State Plan for Medicaid to include coverage for the services of a community health worker and doula services; ~~requiring the State Plan for Medicaid to include certain other~~ revising provisions relating to coverage relating to of services for pregnant women ~~if money is available,~~ under

Medicaid; requiring the establishment of a statewide Medicaid managed care program if money is available; revising requirements relating to health insurance coverage of enteral formulas; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to administer the Medicaid program, which is a joint program of the state and federal governments to provide health coverage to indigent persons. (NRS 422.270, 439B.120) Existing law also creates the Silver State Health Insurance Exchange to assist natural persons and small businesses in purchasing health coverage. (Chapter 695I of NRS) Section 10 of this bill requires the Director of the Department, in consultation with the Executive Director of the Exchange and the Commissioner of Insurance, to design, establish and operate a public health benefit plan known as the Public Option. Section 2 of this bill sets forth the purposes of the Public Option, and sections 3.5-9 of this bill define terms relevant to the Public Option. Section 10 requires the Public Option to be available ~~to all natural persons who reside in this State~~ through the Exchange and for direct purchase and authorizes the Director to make the Public Option available to small employers in this State or their employees. Section 10 requires the Public Option to meet the requirements established by federal and state law for individual health insurance or health insurance for small employers where applicable. Section 10 also establishes requirements governing the levels of coverage provided by the Public Option and the premiums for the Public Option. Sections 38 and 41 of this bill remove the requirements relating to premiums on January 1, 2030. Section 11 of this bill requires the Director, the Commissioner and the Executive Director of the Exchange to apply for certain waivers to obtain federal financial support for the Public Option. Section 39 of this bill requires the Director, the Commissioner and the Executive Director of the Exchange to contract for the performance of an actuarial study before submitting the initial waiver application. Section 12 of this bill requires the Director to use a statewide competitive bidding process to solicit and enter into contracts with health carriers and other qualified persons to administer the Public Option. Section 12 requires a health carrier that provides health care services to recipients of Medicaid through managed care to participate in the competitive bidding process. Section 12 additionally authorizes the Director to directly administer the Public Option if necessary. Sections 13, 21 and 29 of this bill require providers of health care, including health care facilities, who participate in Medicaid or the Public Employees' Benefits Program or provide care to injured employees under the State's workers' compensation program to enroll in the Public Option as a participating provider of health care. Section 14 of this bill prescribes requirements governing the establishment of networks and the reimbursement of providers under the Public Option. Section 15 of this bill establishes the Public Option Trust Fund to hold certain funds for the purpose of implementing the Public Option. Section 20 of this bill exempts

rules and policies governing the Public Option from provisions governing notice-and-comment rulemaking. Sections 16, 19, 22, 32 and 34-37 of this bill make various changes so that the Public Option is treated similarly to comparable forms of public health insurance.

Section 16.5 of this bill requires the Executive Director of the Exchange to apply to the federal government for a waiver to authorize certain labor, agricultural and horticultural organizations to offer on the Exchange a policy of insurance to meet the unique needs of tradespersons that can serve as an alternative to the continuation of certain group health benefits. Section 16.5 requires such a policy to be annually certified by the Executive Director in order to be offered on the Exchange. Sections 16.3 and 16.8 of this bill make conforming changes to reflect the fact that a policy of insurance offered pursuant to section 16.5 may not meet all requirements: (1) for individual health insurance prescribed by state law; or (2) to be considered a qualified health plan under federal law. Section 39.5 of this bill requires the Executive Director to apply for the waiver and submit certain recommendations concerning such policies to the Legislature on or before January 1, 2025.

Sections 24-28 of this bill expand coverage under Medicaid in various manners. Specifically, section 24 of this bill requires the Director of the Department to expand coverage under the State Plan for Medicaid for pregnant women by: (1) providing coverage for pregnant women whose household income is between 165 percent and 200 percent of the federally designated level signifying poverty if money is available; (2) providing that pregnant women who are determined by certain entities to qualify for Medicaid are presumptively eligible for Medicaid for a prescribed period of time, without submitting an application for enrollment in Medicaid which includes additional proof of eligibility; ~~[- if money is available,]~~ and (3) prohibiting the imposition of a requirement that a pregnant woman who is otherwise eligible for Medicaid and resides in this State must reside in the United States for a prescribed period of time before enrolling in Medicaid. Section 25 of this bill requires Medicaid to cover the services of a community health worker who provides services under the supervision of a physician, physician assistant or advanced practice registered nurse. Section 26 of this bill requires Medicaid to cover certain costs for doula services provided to Medicaid recipients by a doula who has enrolled with the Division of Health Care Financing and Policy of the Department. Sections 17 and 33 of this bill require a registered doula to report the suspected abuse, neglect, exploitation, isolation or abandonment of older or vulnerable persons or the suspected abuse or neglect of a child. Section 27 of this bill requires Medicaid to reimburse services provided to recipients of Medicaid who do not receive services through managed care by an advanced practice registered nurse to the same extent as if those services were provided by a physician if money is available to reimburse those services at those rates. If money is available, section 28 of this bill requires Medicaid to cover breastfeeding supplies, certain prenatal screenings and tests and lactation consultation and support. Section 18 of this bill makes a conforming

change to indicate the proper placement of sections 24-28 in the Nevada Revised Statutes.

Existing law establishes certain requirements that apply if a Medicaid managed care program is established in this State. (NRS 422.273) To the extent that money is available, section 30 of this bill requires the Department to: (1) establish such a program to provide health care services to recipients of Medicaid in all geographic areas of this State; and (2) conduct a statewide procurement process to select health maintenance organizations to provide such services. To the extent that money is available, section 30 requires the Medicaid managed care program to include a state-directed payment arrangement to require Medicaid managed care organizations to reimburse critical access hospitals and any affiliated federally-qualified health centers or rural health clinics for covered services at a rate that is equal to or greater than the rate those facilities receive for services provided to recipients of Medicaid on a fee-for-service basis.

Existing law requires certain health insurers, including local governments that adopt a system of group health insurance for their employees, to cover enteral formulas under certain conditions. (NRS 287.010, 689A.0423, 689B.0353, 695B.1923, 695C.1723) Sections 16.35-6.47 of this bill specify that enteral formulas include formulas that are ingested orally. Section 20.5 of this bill requires the Public Employees' Benefits Program to cover enteral formulas, including formulas that are ingested orally, under the same conditions as health insurers that are currently required to cover enteral formulas.

Section 38.3 of this bill appropriates money to the Division of Welfare and Supportive Services of the Department to pay the costs of making enhancements to its information technology system that are necessary to carry out the provisions of sections 24-28 of this bill. ~~[Section]~~ Sections 38.6 and 38.8 of this bill ~~[appropriates]~~ appropriate money to the Public Option Trust Fund and the Silver State Health Insurance Exchange, respectively, to implement the Public Option.

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

Section 1. Title 57 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 15, inclusive, of this act.

Sec. 2. *It is hereby declared to be the purpose and policy of the Legislature in enacting this chapter to:*

1. *Leverage the combined purchasing power of the State to lower premiums and costs relating to health insurance for residents of this State;*

2. *Improve access to high-quality, affordable health care for residents of this State, including residents of this State who are employed by small businesses;*

3. *Reduce disparities in access to health care and health outcomes and increase access to health care for historically marginalized communities; and*

4. Increase competition in the market for individual health insurance in this State to improve the availability of coverage for residents of rural areas of this State.

Sec. 3. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3.5 to 9, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 3.5. "Certified community behavioral health clinic" means a community behavioral health clinic certified in accordance with section 223 of the Protecting Access to Medicare Act of 2014, Public Law No. 113-93.

Sec. 4. "Commissioner" means the Commissioner of Insurance.

Sec. 5. "Director" means the Director of the Department of Health and Human Services.

Sec. 6. "Exchange" means the Silver State Health Insurance Exchange.

Sec. 6.5. "Federally qualified health center" has the meaning ascribed to it in 42 C.F.R. § 405.2401.

Sec. 7. "Provider of health care" has the meaning ascribed to it in NRS 695G.070.

Sec. 8. "Public Option" means the Public Option established pursuant to section 10 of this act.

Sec. 8.5. "Rural health clinic" has the meaning ascribed to it in 42 C.F.R. § 405.2401.

Sec. 9. "Trust Fund" means the Public Option Trust Fund created by section 15 of this act.

Sec. 10. 1. The Director, in consultation with the Commissioner and the Executive Director of the Exchange, shall design, establish and operate a health benefit plan known as the Public Option.

2. The Director:

(a) Shall make the Public Option available ~~to all natural persons who reside in this State as a policy of individual health insurance~~ :

(1) As a qualified health plan through the Exchange to natural persons who reside in this State and are eligible to enroll in such a plan through the Exchange under the provisions of 45 C.F.R. § 155.305; and for

(2) For direct purchase ~~as~~ as a policy of individual health insurance by any natural person who resides in this State. The provisions of chapter 689A of NRS and other applicable provisions of this title apply to the Public Option when offered as a policy of individual health insurance.

(b) May make the Public Option available to small employers in this State or their employees to the extent authorized by federal law. The provisions of chapter 689C of NRS and other applicable provisions of this title apply to the Public Option when it is offered as a policy of health insurance for small employers.

(c) Shall comply with all state and federal laws and regulations applicable to insurers when carrying out the provisions of sections 2 to 15, inclusive, of this act, to the extent that such laws and regulations are not waived.

3. The Public Option must:

- (a) *Be a qualified health plan, as defined in 42 U.S.C. § 18021; and*
- (b) *Provide at least levels of coverage consistent with the actuarial value of one silver plan and one gold plan.*

4. *Except as otherwise provided in this section, the premiums for the Public Option:*

- (a) *Must be at least 5 percent lower than the reference premium for that zip code; and*
- (b) *Must not increase in any year by a percentage greater than the increase in the Medicare Economic Index for that year.*

5. *The Director, in consultation with the Commissioner and the Executive Director of the Exchange, may revise the requirements of subsection 4, provided that the average premiums for the Public Option must be at least 15 percent lower than the average reference premium in this State over the first 4 years in which the Public Option is in operation.*

6. *As used in this section:*

(a) *"Gold plan" means a qualified health plan that meets the requirements established by 42 U.S.C. § 18022 for a gold level plan.*

(b) *"Health benefit plan" means a policy, contract, certificate or agreement to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services.*

(c) *"Medicare Economic Index" means the Medicare Economic Index, as designated by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services pursuant to 42 C.F.R. § 405.504.*

(d) *"Reference premium" means, for any zip code, the lower of:*

(1) *The premium for the second-lowest cost silver level plan available through the Exchange in the zip code during the 2024 plan year, adjusted by the percentage change in the Medicare Economic Index between January 1, 2024, and January 1 of the year to which a premium applies; or*

(2) *The premium for the second-lowest cost silver level plan available through the Exchange in the zip code during the year immediately preceding the year to which a premium applies.*

(e) *"Silver plan" means a qualified health plan that meets the requirements established by 42 U.S.C. § 18022 for a silver level plan.*

(f) *"Small employer" has the meaning ascribed to it in 42 U.S.C. § 18024(b)(2).*

Sec. 11. 1. *The Director, the Commissioner and the Executive Director of the Exchange:*

(a) *Shall collaborate to apply to the Secretary of Health and Human Services for a waiver pursuant to 42 U.S.C. § 18052 to obtain pass-through federal funding to carry out the provisions of sections 2 to 15, inclusive, of this act; and*

(b) *Except as otherwise provided in subsection 4, may collaboratively apply to the Secretary of Health and Human Services for any other federal waivers or approval necessary to carry out the provisions of sections 2 to 15, inclusive,*

of this act, including, without limitation, and to the extent necessary, a waiver pursuant to 42 U.S.C. § 1315 of Title XIX of the Social Security Act. Such waivers or approval may include, without limitation, any waiver or approval necessary to:

(1) Combine risk pools for the Public Option with risk pools established for Medicaid, if the Director can demonstrate that doing so would lower costs, result in savings to the federal and state governments and not increase the costs of private insurance or Medicaid; or

(2) Obtain federal financial participation to subsidize the cost of health insurance for residents of this State with low incomes.

2. In preparing an application for any waiver described in subsection 1, the Director, the Commissioner and the Executive Director of the Exchange may contract with an independent actuary to assess the impact of the Public Option on the markets for health care and health insurance in this State and health coverage for natural persons, families and small businesses. The actuary must have specialized expertise or experience with state health insurance exchanges, the type of waiver for which the application is being made, measures to contain the costs of providing health coverage, reforming procedures for the purchasing and delivery of government services and Medicaid managed care programs. A contract pursuant to this subsection is exempt from the provisions of chapter 333 of NRS.

3. The Director, the Commissioner and the Executive Director of the Exchange shall:

(a) Cooperate with the Federal Government in obtaining any waiver for which he or she applies pursuant to this section.

(b) Deposit any money received from the Federal Government pursuant to such a waiver in the Trust Fund.

4. The Director, the Commissioner and the Executive Director of the Exchange shall not apply under the provisions of subsection 1 to waive any provision of federal law prescribing conditions of eligibility to purchase a qualified health plan, as defined in 42 U.S.C. § 18021, through the Exchange or receive federal advanced payment of premium tax credits pursuant to 42 U.S.C. § 18082 for such a purchase.

5. The Director may:

(a) Accept gifts, grants and donations to carry out the provisions of sections 2 to 15, inclusive, of this act. The Director shall deposit any such gifts, grants or donations in the Trust Fund.

(b) Employ or enter into contracts with actuaries and other professionals and may enter into contracts with other state agencies, health carriers or other qualified persons and entities as are necessary to carry out the provisions of sections 2 to 15, inclusive, of this act. Such contracts are exempt from the requirements of chapter 333 of NRS.

Sec. 12. 1. The Director, in consultation with the Commissioner and the Executive Director of the Exchange, shall use a statewide competitive bidding process, including, without limitation, a request for proposals, to solicit and

enter into contracts with health carriers or other qualified persons or entities to administer the Public Option. If a statewide Medicaid managed care program is established pursuant to subsection 1 of NRS 422.273, the competitive bidding process must coincide with the statewide procurement process for that Medicaid managed care program.

2. Each health carrier that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program shall, as a condition of continued participation in any Medicaid managed care program established in this State, submit a good faith proposal in response to a request for proposals issued pursuant to subsection 1.

3. Each proposal submitted pursuant to subsection 2 must demonstrate that the applicant is able to meet the requirements of section 10 of this act.

4. When selecting a health carrier or other qualified person or entity to administer the Public Option, the Director shall prioritize applicants whose proposals:

(a) Demonstrate alignment of networks of providers between the Public Option and Medicaid managed care, where applicable;

(b) Provide for the inclusion of critical access hospitals, rural health clinics, certified community behavioral health clinics and federally-qualified health centers in the networks of providers for the Public Option and Medicaid managed care, where applicable;

(c) Include proposals for strengthening the workforce in this State and particularly in rural areas of this State for providers of primary care, mental health care and treatment for substance use disorders;

(d) Use payment models for providers included in the networks of providers for the Public Option that increase value for persons enrolled in the Public Option and the State; and

(e) Include proposals to contract with providers of health care in a manner that decreases disparities among different populations in this State with regard to access to health care and health outcomes and supports culturally competent care.

5. Notwithstanding the provisions of subsections 1 to 4, inclusive, the Director may directly administer the Public Option if necessary to carry out the provisions of sections 2 to 15, inclusive, of this act.

6. Any health carrier or other person or entity with which the Director contracts to administer the Public Option pursuant to this section or the Director, if the Director directly administers the Public Option pursuant to subsection 5, shall take any measures necessary to make the Public Option available as described in paragraph (a) of subsection 2 of section 10 of this act and, if required by the Director, paragraph (b) of that subsection. Such measures include, without limitation:

(a) Filing rates and supporting information with the Commissioner of Insurance as required by NRS 686B.010 to 686B.1799, inclusive; and

(b) Obtaining certification as a qualified health plan pursuant to 42 U.S.C. § 18031.

7. The Director shall deposit into the Trust Fund any money received from:

(a) A health carrier or other person or entity with which the Director contracts to administer the Public Option pursuant to subsection 1 which relates to duties performed under the contract; or

(b) If the Director directly administers the Public Option pursuant to subsection 5, any money received from any person or entity in the course of administering the Public Option.

~~7.7~~ 8. As used in this section:

(a) "Critical access hospital" means a hospital which has been certified as a critical access hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 1395i-4(e).

(b) "Health carrier" means an entity subject to the insurance laws and regulations of this State, or subject to the jurisdiction of the Commissioner, that contracts or offers to contract to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services, including, without limitation, a sickness and accident health insurance company, a health maintenance organization, a nonprofit hospital and health service corporation or any other entity providing a plan of health insurance, health benefits or health care services.

Sec. 13. 1. Except as otherwise provided in subsection 2, each provider of health care who participates in the Public Employees' Benefits Program established pursuant to subsection 1 of NRS 287.043 or the Medicaid program, or who provides care to an injured employee pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS, shall:

(a) Enroll as a participating provider in at least one network of providers established for the Public Option; and

(b) Accept new patients who are enrolled in the Public Option to the same extent as the provider or facility accepts new patients who are not enrolled in the Public Option.

2. The Director and the Executive Officer of the Public Employees' Benefits Program may waive the requirements of subsection 1 when necessary to ensure that recipients of Medicaid and officers, employees and retirees of this State who receive benefits under the Public Employees' Benefits Program have sufficient access to covered services.

Sec. 14. 1. In establishing networks for the Public Option and reimbursing providers of health care that participate in the Public Option, the Director shall, to the extent practicable:

(a) Ensure that care for persons who were previously covered by Medicaid or the Children's Health Insurance Program and enroll in the Public Option is minimally disrupted;

(b) Encourage the use of payment models that increase value for persons enrolled in the Public Option and the State;

(c) Improve health outcomes for persons enrolled in the Public Option;
(d) Reward providers of health care and medical facilities for delivering high-quality services; and

(e) Lower the cost of care in both urban and rural areas of this State.

2. Except as otherwise provided in subsections 3 to 6, inclusive, reimbursement rates under the Public Option must be, in the aggregate, comparable to or better than reimbursement rates available under Medicare. For the purposes of this section, the aggregate reimbursement rate under Medicare:

(a) Includes any add-on payments or other subsidies that a provider receives under Medicare; and

(b) Does not include payments under Medicare for a patient encounter or a cost-based payment rate under Medicare.

3. If a provider of health care currently receives reimbursement under Medicare at rates that are cost-based, the reimbursement rates for that provider of health care under the Public Option must be comparable to or better than the cost-based reimbursement rates provided for that provider of health care by Medicare.

4. The reimbursement rates for a federally-qualified health center or a rural health clinic under the Public Option must be comparable to or better than the reimbursement rates established for patient encounters under the applicable Prospective Payment System established for Medicare by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services.

5. The reimbursement rates for a certified community behavioral health clinic under the Public Option must be comparable to or better than the reimbursement rates established for community behavioral health clinics under the State Plan for Medicaid.

6. The requirements of subsections 2 to 5, inclusive, do not apply to a payment model described in paragraph (b) of subsection 1.

7. As used in this section, "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

Sec. 15. 1. There is hereby created in the State Treasury the Public Option Trust Fund as a nonreverting trust fund. The Trust Fund must be administered by the State Treasurer.

2. The Trust Fund consists of:

(a) Any money deposited in the Trust Fund pursuant to sections 11 and 12 of this act;

(b) Any money appropriated by the Legislature for the purpose of carrying out the provisions of sections 2 to 15, inclusive, of this act; and

(c) All income and interest earned on the money in the Trust Fund.

3. Any interest earned on money in the Trust Fund, after deducting any applicable charges, must be credited to the Trust Fund. Money that remains in the Trust Fund at the end of a fiscal year does not revert to the State General

Fund, and the balance in the Trust Fund must be carried forward to the next fiscal year.

4. *Except as otherwise provided in subsection 5, the money in the Trust Fund must be used to carry out the provisions of sections 2 to 15, inclusive, of this act. Such money must not be used to pay administrative costs that are not directly related to the operations of the Public Option.*

5. *If the State Treasurer determines that there is sufficient money in the Trust Fund to carry out the provisions of sections 2 to 15, inclusive, of this act, for the current fiscal year, the Director may use a portion determined by the State Treasurer of any additional money in the Trust Fund to increase the affordability of the Public Option.*

Sec. 16. NRS 683A.176 is hereby amended to read as follows:

683A.176 "Third party" means:

1. An insurer, as that term is defined in NRS 679B.540;
2. A health benefit plan, as that term is defined in NRS 687B.470, for employees which provides a pharmacy benefits plan;
3. A participating public agency, as that term is defined in NRS 287.04052, and any other local governmental agency of the State of Nevada which provides a system of health insurance for the benefit of its officers and employees, and the dependents of officers and employees, pursuant to chapter 287 of NRS; ~~or~~
4. *The Public Option established pursuant to section 10 of this act; or*
5. Any other insurer or organization that provides health coverage or benefits or coverage of prescription drugs as part of workers' compensation insurance in accordance with state or federal law.

↪ The term does not include an insurer that provides coverage under a policy of casualty or property insurance.

Sec. 16.3. NRS 689A.020 is hereby amended to read as follows:

689A.020 Nothing in this chapter applies to or affects:

1. Any policy of liability or workers' compensation insurance with or without supplementary expense coverage therein.
2. Any group or blanket policy.
3. Life insurance, endowment or annuity contracts, or contracts supplemental thereto which contain only such provisions relating to health insurance as to:
 - (a) Provide additional benefits in case of death or dismemberment or loss of sight by accident or accidental means; or
 - (b) Operate to safeguard such contracts against lapse, or to give a special surrender value or special benefit or an annuity if the insured or annuitant becomes totally and permanently disabled, as defined by the contract or supplemental contract.

4. Reinsurance, except as otherwise provided in NRS 689A.470 to 689A.740, inclusive, and 689C.610 to 689C.940, inclusive, relating to the program of reinsurance.

5. Any policy of insurance offered on the Silver State Health Insurance Exchange in accordance with section 16.5 of this act.

Sec. 16.35. NRS 689A.0423 is hereby amended to read as follows:

689A.0423 1. A policy of health insurance must provide coverage for:

(a) Enteral formulas for use at home that are prescribed or ordered by a physician as medically necessary for the treatment of inherited metabolic diseases characterized by deficient metabolism, or malabsorption originating from congenital defects or defects arising shortly after birth, of amino acid, organic acid, carbohydrate or fat; and

(b) At least \$2,500 per year for special food products which are prescribed or ordered by a physician as medically necessary for the treatment of a person described in paragraph (a).

2. The coverage required by subsection 1 must be provided whether or not the condition existed when the policy was purchased.

3. A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[January]~~ July 1, [1998,] 2021, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.

4. As used in this section:

(a) "Enteral formula" includes, without limitation, a formula that is ingested orally.

~~(b)~~ (b) "Inherited metabolic disease" means a disease caused by an inherited abnormality of the body chemistry of a person.

~~(c)~~ (c) "Special food product" means a food product that is specially formulated to have less than one gram of protein per serving and is intended to be consumed under the direction of a physician for the dietary treatment of an inherited metabolic disease. The term does not include a food that is naturally low in protein.

Sec. 16.4. NRS 689B.0353 is hereby amended to read as follows:

689B.0353 1. A policy of group health insurance must provide coverage for:

(a) Enteral formulas for use at home that are prescribed or ordered by a physician as medically necessary for the treatment of inherited metabolic diseases characterized by deficient metabolism, or malabsorption originating from congenital defects or defects arising shortly after birth, of amino acid, organic acid, carbohydrate or fat; and

(b) At least \$2,500 per year for special food products which are prescribed or ordered by a physician as medically necessary for the treatment of a person described in paragraph (a).

2. The coverage required by subsection 1 must be provided whether or not the condition existed when the policy was purchased.

3. A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[January]~~ July 1, [1998,] 2021, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.

4. As used in this section:

(a) "Enteral formula" includes, without limitation, a formula that is ingested orally.

(b) "Inherited metabolic disease" means a disease caused by an inherited abnormality of the body chemistry of a person.

~~((b))~~ (c) "Special food product" means a food product that is specially formulated to have less than one gram of protein per serving and is intended to be consumed under the direction of a physician for the dietary treatment of an inherited metabolic disease. The term does not include a food that is naturally low in protein.

Sec. 16.43. NRS 695B.1923 is hereby amended to read as follows:

695B.1923 1. A contract for hospital or medical service must provide coverage for:

(a) Enteral formulas for use at home that are prescribed or ordered by a physician as medically necessary for the treatment of inherited metabolic diseases characterized by deficient metabolism, or malabsorption originating from congenital defects or defects arising shortly after birth, of amino acid, organic acid, carbohydrate or fat; and

(b) At least \$2,500 per year for special food products which are prescribed or ordered by a physician as medically necessary for the treatment of a person described in paragraph (a).

2. The coverage required by subsection 1 must be provided whether or not the condition existed when the contract was purchased.

3. A contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~January 1, 1998,~~ July 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the contract or the renewal which is in conflict with this section is void.

4. As used in this section:

(a) "Enteral formula" includes, without limitation, a formula that is ingested orally.

(b) "Inherited metabolic disease" means a disease caused by an inherited abnormality of the body chemistry of a person.

~~((b))~~ (c) "Special food product" means a food product that is specially formulated to have less than one gram of protein per serving and is intended to be consumed under the direction of a physician for the dietary treatment of an inherited metabolic disease. The term does not include a food that is naturally low in protein.

Sec. 16.47. NRS 695C.1723 is hereby amended to read as follows:

695C.1723 1. A health maintenance plan must provide coverage for:

(a) Enteral formulas for use at home that are prescribed or ordered by a physician as medically necessary for the treatment of inherited metabolic diseases characterized by deficient metabolism, or malabsorption originating from congenital defects or defects arising shortly after birth, of amino acid, organic acid, carbohydrate or fat; and

(b) At least \$2,500 per year for special food products which are prescribed or ordered by a physician as medically necessary for the treatment of a person described in paragraph (a).

2. The coverage required by subsection 1 must be provided whether or not the condition existed when the health maintenance plan was purchased.

3. Any evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[January]~~ July 1, ~~[1998]~~ 2021, has the legal effect of including the coverage required by this section, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

4. As used in this section:

(a) "Enteral formula" includes, without limitation, a formula that is ingested orally.

(b) "Inherited metabolic disease" means a disease caused by an inherited abnormality of the body chemistry of a person.

~~(b)~~ (c) "Special food product" means a food product that is specially formulated to have less than one gram of protein per serving and is intended to be consumed under the direction of a physician for the dietary treatment of an inherited metabolic disease. The term does not include a food that is naturally low in protein.

Sec. 16.5. Chapter 695I of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Executive Director, in collaboration with the Director of the Department of Health and Human Services, shall apply to the Secretary of Health and Human Services for a waiver pursuant to 42 U.S.C. § 18052 to authorize an organization described in section 501(c)(5) of the Internal Revenue Code that processes health claims in this State to offer on the Exchange a policy of insurance to meet the unique needs of tradespersons, including, without limitation, persons who work temporary or seasonal jobs, that is capable of serving as an alternative to the continuation of group health benefits under the Consolidated Omnibus Budget Reconciliation Act of 1985.*

2. *The application for a waiver submitted pursuant to subsection 1 must include, without limitation, an application for a waiver of any provisions of federal law or regulations that would otherwise require a policy described in subsection 1 to meet the requirements of chapter 689A of NRS in order to be offered on the Exchange or for persons who purchase the plan on the Exchange to receive applicable federal subsidies.*

3. *To be offered on the Exchange, a policy of insurance described in subsection 1 must:*

(a) Meet all requirements established by the Federal Act for a qualified health plan, to the extent that those requirements do not prevent an organization described in section 501(c)(5) of the Internal Revenue Code from offering such a policy; and

(b) Be certified by the Executive Director. Such certification must be renewed annually.

4. *The Executive Director shall prescribe:*

(a) *Requirements for certification of a policy of insurance pursuant to paragraph (b) of subsection 3; and*

(b) *Criteria to determine when a person becomes eligible for a policy of insurance described in subsection 1. Those criteria must address:*

(1) *Persons who recently began employment but have not yet met the requirements concerning hours of work necessary to receive insurance through their employer; and*

(2) *Persons who have recently lost their jobs.*

5. *When performing the duties described in subsections 1 and 4, the Executive Director shall consult with organizations described in section 501(c)(5) of the Internal Revenue Code and other interested persons and entities concerning the requirements for certification of a policy of insurance described in subsection 1 and the criteria described in paragraph (b) of subsection 4.*

Sec. 16.8. NRS 695I.210 is hereby amended to read as follows:

695I.210 1. The Exchange shall:

(a) Create and administer a health insurance exchange;

(b) Facilitate the purchase and sale of qualified health plans consistent with established patterns of care within the State;

(c) Provide for the establishment of a program to assist qualified small employers in Nevada in facilitating the enrollment of their employees in qualified health plans offered in the small group market;

(d) ~~{Make}~~ *Except as otherwise authorized by a waiver obtained pursuant to section 16.5 of this act, make only qualified health plans available to qualified individuals and qualified small employers ; {on or after January 1, 2014,}* and

(e) Unless the Federal Act is repealed or is held to be unconstitutional or otherwise invalid or unlawful, perform all duties that are required of the Exchange to implement the requirements of the Federal Act.

2. The Exchange may:

(a) Enter into contracts with any person, including, without limitation, a local government, a political subdivision of a local government and a governmental agency, to assist in carrying out the duties and powers of the Exchange or the Board; and

(b) Apply for and accept any gift, donation, bequest, grant or other source of money to carry out the duties and powers of the Exchange or the Board.

3. The Exchange is subject to the provisions of chapter 333 of NRS.

Sec. 17. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office; or

(3) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug counselor, alcohol and drug counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian, holder of a license or a limited license issued under the provisions of chapter 653 of NRS or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person or vulnerable person who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(g) Any employee of the Department of Health and Human Services, except the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125 and any of his or her advocates or volunteers where prohibited from making such a report pursuant to 45 C.F.R. § 1321.11.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons or vulnerable persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

(m) Every person who operates or is employed by a peer support recovery organization, as defined in NRS 449.01563.

(n) Every person who operates or is employed by a community health worker pool, as defined in NRS 449.0028, or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

(o) Every person who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide doula services to recipients of Medicaid pursuant to section 26 of this act.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person or vulnerable person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person or vulnerable person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a

division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

- (a) Aging and Disability Services Division;
- (b) Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons created by NRS 179A.450; and
- (c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person or vulnerable person is abused, neglected, exploited, isolated or abandoned, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person or vulnerable person if the older person or vulnerable person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 18. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

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

- (1) The Administrator of the Aging and Disability Services Division;
- (2) The Administrator of the Division of Welfare and Supportive Services;
- (3) The Administrator of the Division of Child and Family Services;
- (4) The Administrator of the Division of Health Care Financing and Policy; and
- (5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and sections 24 to 28, inclusive, of this act*, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

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

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for

the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

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

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

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

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

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

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

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

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

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

Sec. 19. NRS 232.459 is hereby amended to read as follows:

232.459 1. The Advocate shall:

(a) Respond to written and telephonic inquiries received from consumers and injured employees regarding concerns and problems related to health care and workers' compensation;

(b) Assist consumers and injured employees in understanding their rights and responsibilities under health care plans, including, without limitation, the Public Employees' Benefits Program ~~and the Public Option~~, and policies of industrial insurance;

(c) Identify and investigate complaints of consumers and injured employees regarding their health care plans, including, without limitation, the Public Employees' Benefits Program ~~and the Public Option~~, and policies of industrial insurance and assist those consumers and injured employees to resolve their complaints, including, without limitation:

(1) Referring consumers and injured employees to the appropriate agency, department or other entity that is responsible for addressing the specific complaint of the consumer or injured employee; and

(2) Providing counseling and assistance to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program ~~and~~ *and the Public Option*, and policies of industrial insurance;

(d) Provide information to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program ~~and~~ *and the Public Option*, and policies of industrial insurance in this State;

(e) Establish and maintain a system to collect and maintain information pertaining to the written and telephonic inquiries received by the Office for Consumer Health Assistance;

(f) Take such actions as are necessary to ensure public awareness of the existence and purpose of the services provided by the Advocate pursuant to this section;

(g) In appropriate cases and pursuant to the direction of the Advocate, refer a complaint or the results of an investigation to the Attorney General for further action;

(h) Provide information to and applications for prescription drug programs for consumers without insurance coverage for prescription drugs or pharmaceutical services;

(i) Establish and maintain an Internet website which includes:

(1) Information concerning purchasing prescription drugs from Canadian pharmacies that have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328;

(2) Links to websites of Canadian pharmacies which have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328; and

(3) A link to the website established and maintained pursuant to NRS 439A.270 which provides information to the general public concerning the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State;

(j) Assist consumers with accessing a navigator, case manager or facilitator to help the consumer obtain health care services;

(k) Assist consumers with scheduling an appointment with a provider of health care who is in the network of providers under contract to provide services to participants in the health care plan under which the consumer is covered;

(l) Assist consumers with filing complaints against health care facilities and health care professionals;

(m) Assist consumers with filing complaints with the Commissioner of Insurance against issuers of health care plans; and

(n) On or before January 31 of each year, compile a report of aggregated information submitted to the Office for Consumer Health Assistance pursuant to NRS 687B.675, aggregated for each type of provider of health care for

which such information is provided and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In even-numbered years, the Legislative Committee on Health Care; and

(2) In odd-numbered years, the next regular session of the Legislature.

2. The Advocate may adopt regulations to carry out the provisions of this section and NRS 232.461 and 232.462.

3. As used in this section:

(a) "Health care facility" has the meaning ascribed to it in NRS 162A.740.

(b) "Navigator, case manager or facilitator" has the meaning ascribed to it in NRS 687B.675.

(c) *"Public Option" means the Public Option established pursuant to section 10 of this act.*

Sec. 20. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in NRS 209.221, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The Nevada Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.

(g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(j) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(k) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(l) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.

(m) The Silver State Health Insurance Exchange.

(n) The Cannabis Compliance Board.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the adoption of an emergency regulation or the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(d) NRS 90.800 for the use of summary orders in contested cases, ➡ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;

(d) The judicial review of decisions of the Public Utilities Commission of Nevada;

(e) The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 426.561 or 615.178;

(f) The adoption or amendment of a rule or regulation to be included in the State Plan for Services for Victims of Crime by the Department of Health and Human Services pursuant to NRS 217.130;

(g) The adoption, amendment or repeal of rules governing the conduct of contests and exhibitions of unarmed combat by the Nevada Athletic Commission pursuant to NRS 467.075; ~~{or}~~

(h) The adoption, amendment or repeal of regulations by the Director of the Department of Health and Human Services pursuant to NRS 447.335 to 447.350, inclusive ~~{-}~~ ; or

(i) *The adoption, amendment or repeal of any rule or policy governing the Public Option established pursuant to the chapter created by sections 2 to 15, inclusive, of this act.*

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 20.5. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 687B.409, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.170 to 695G.174, inclusive, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 21. NRS 287.0434 is hereby amended to read as follows:

287.0434 The Board may:

1. Use its assets only to pay the expenses of health care for its members and covered dependents, to pay its employees' salaries and to pay administrative and other expenses.

2. Enter into contracts relating to the administration of the Program, including, without limitation, contracts with licensed administrators and qualified actuaries. Each such contract with a licensed administrator:

(a) Must be submitted to the Commissioner of Insurance not less than 30 days before the date on which the contract is to become effective for approval as to the licensing and fiscal status of the licensed administrator and status of any legal or administrative actions in this State against the licensed administrator that may impair his or her ability to provide the services in the contract.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

3. Enter into contracts with physicians, surgeons, hospitals, health maintenance organizations and rehabilitative facilities for medical, surgical and rehabilitative care and the evaluation, treatment and nursing care of members and covered dependents. The Board shall not enter into a contract pursuant to this subsection unless:

(a) Provision is made by the Board to offer all the services specified in the request for proposals, either by a health maintenance organization or through separate action of the Board.

(b) The rates set forth in the contract are based on:

(1) For active and retired state officers and employees and their dependents, the commingled claims experience of such active and retired officers and employees and their dependents for whom the Program provides primary health insurance coverage in a single risk pool; and

(2) For active and retired officers and employees of public agencies enumerated in NRS 287.010 that contract with the Program to obtain group insurance by participation in the Program and their dependents, the

commingled claims experience of such active and retired officers and employees and their dependents for whom the Program provides primary health insurance coverage in a single risk pool.

(c) For a contract with a physician, surgeon, hospital or rehabilitative facility, the physician, surgeon, hospital or rehabilitative facility has also complied with the requirements of section 13 of this act.

4. Enter into contracts for the services of other experts and specialists as required by the Program.

5. Charge and collect from an insurer, health maintenance organization, organization for dental care or nonprofit medical service corporation, a fee for the actual expenses incurred by the Board or a participating public agency in administering a plan of insurance offered by that insurer, organization or corporation.

6. Charge and collect the amount due from local governments pursuant to paragraph (b) of subsection 4 of NRS 287.023. If the payment of a local government pursuant to that provision is delinquent by more than 90 days, the Board shall notify the Executive Director of the Department of Taxation pursuant to NRS 354.671.

Sec. 22. NRS 333.705 is hereby amended to read as follows:

333.705 1. Except as otherwise provided in this section, a using agency shall not enter into a contract with a person to provide services for the using agency if:

(a) The person is a current employee of an agency of this State;

(b) The person is a former employee of an agency of this State and less than 2 years have expired since the termination of the person's employment with the State; or

(c) The person is employed by the Department of Transportation for a transportation project that is entirely funded by federal money and the term of the contract is for more than 4 years,

➡ unless the using agency submits a written disclosure to the State Board of Examiners indicating the services to be provided pursuant to the contract and the person who will be providing those services and, after reviewing the disclosure, the State Board of Examiners approves entering into a contract with the person. The requirements of this subsection apply to any person employed by a business or other entity that enters into a contract to provide services for a using agency if the person will be performing or producing the services for which the business or entity is employed.

2. The provisions of paragraph (b) of subsection 1 apply to employment through a temporary employment service. A temporary employment service providing employees for a using agency shall provide the using agency with the names of the employees to be provided to the agency. The State Board of Examiners shall not approve a contract pursuant to paragraph (b) of subsection 1 unless the Board determines that one or more of the following circumstances exist:

(a) The person provides services that are not provided by any other employee of the using agency or for which a critical labor shortage exists; or

(b) A short-term need or unusual economic circumstance exists for the using agency to contract with the person.

3. The approval by the State Board of Examiners to contract with a person pursuant to subsection 1:

(a) May occur at the same time and in the same manner as the approval by the State Board of Examiners of a proposed contract pursuant to subsection 7 of NRS 333.700; and

(b) Must occur before the date on which the contract becomes binding on the using agency.

4. A using agency may contract with a person pursuant to paragraph (a) or (b) of subsection 1 without obtaining the approval of the State Board of Examiners if the term of the contract is for less than 4 months and the head of the using agency determines that an emergency exists which necessitates the contract. If a using agency contracts with a person pursuant to this subsection, the using agency shall submit a copy of the contract and a description of the emergency to the State Board of Examiners, which shall review the contract and the description of the emergency and notify the using agency whether the State Board of Examiners would have approved the contract if it had not been entered into pursuant to this subsection.

5. Except as otherwise provided in subsection 9, a using agency shall, not later than 10 days after the end of each fiscal quarter, report to the Interim Finance Committee concerning all contracts to provide services for the using agency that were entered into by the using agency during the fiscal quarter with a person who is a current or former employee of a department, division or other agency of this State.

6. Except as otherwise provided in subsection 9, a using agency shall not contract with a temporary employment service unless the contracting process is controlled by rules of open competitive bidding.

7. Each board or commission of this State and each institution of the Nevada System of Higher Education that employs a consultant shall, at least once every 6 months, submit to the Interim Finance Committee a report setting forth:

(a) The number of consultants employed by the board, commission or institution;

(b) The purpose for which the board, commission or institution employs each consultant;

(c) The amount of money or other remuneration received by each consultant from the board, commission or institution; and

(d) The length of time each consultant has been employed by the board, commission or institution.

8. A using agency, board or commission of this State and each institution of the Nevada System of Higher Education:

(a) Shall make every effort to limit the number of contracts it enters into with persons to provide services which have a term of more than 2 years and which are in the amount of less than \$1,000,000; and

(b) Shall not enter into a contract with a person to provide services without ensuring that the person is in active and good standing with the Secretary of State.

9. The provisions of subsections 1 to 6, inclusive, do not apply to:

(a) The Nevada System of Higher Education or a board or commission of this State.

(b) The employment of professional engineers by the Department of Transportation if those engineers are employed for a transportation project that is entirely funded by federal money.

(c) Contracts in the amount of \$1,000,000 or more entered into:

(1) Pursuant to the State Plan for Medicaid established pursuant to NRS 422.063.

(2) For financial services.

(3) Pursuant to the Public Employees' Benefits Program.

(4) Pursuant to the Public Option established pursuant to section 10 of this act.

(d) The employment of a person by a business or entity which is a provider of services under the State Plan for Medicaid and which provides such services on a fee-for-service basis or through managed care.

(e) The employment of a former employee of an agency of this State who is not receiving retirement benefits under the Public Employees' Retirement System during the duration of the contract.

Sec. 23. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 24 to 28, inclusive, of this act.

Sec. 24. 1. ~~[To the extent that money is available, the]~~ The Director shall, to the extent authorized by federal law, include in the State Plan for Medicaid authorization for ~~for~~

~~—(a) A pregnant woman whose household income is at or below 200 percent of the federally designated level signifying poverty to enroll in Medicaid.~~

~~—(b) At a pregnant woman who is determined by a qualified provider to be presumptively eligible for Medicaid to enroll in Medicaid until the last day of the month immediately following the month of enrollment without submitting an application for enrollment in Medicaid which includes additional proof of eligibility.~~

2. To the extent that money is available, the Director shall, to the extent authorized by federal law, include in the State Plan for Medicaid authorization for a pregnant woman whose household income is at or below 200 percent of the federally designated level signifying poverty to enroll in Medicaid.

3. Unless otherwise required by federal law, the Director shall not include in the State Plan for Medicaid a requirement that a pregnant woman who resides in this State and who is otherwise eligible for Medicaid must reside in the United States for a prescribed period of time before enrolling in Medicaid.

~~3.7~~ 4. As used in this section, "qualified provider" has the meaning ascribed to it in 42 U.S.C. § 1396r-1(b)(2).

Sec. 25. 1. The Director shall include in the State Plan for Medicaid a requirement that the State, to the extent authorized by federal law, pay the nonfederal share of expenditures incurred for the services of a community health worker who provides services under the supervision of a physician, physician assistant or advanced practice registered nurse.

2. As used in this section, "community health worker" has the meaning ascribed to it in NRS 449.0027.

Sec. 26. 1. The Director shall, to the extent authorized by federal law, include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for doula services provided by an enrolled doula.

2. The Department shall apply to the Secretary of Health and Human Services for a waiver granted pursuant to 42 U.S.C. § 1315 or apply for an amendment of the State Plan for Medicaid that authorizes the Department to receive federal funding to include in the State Plan for Medicaid coverage of doula services provided by an enrolled doula. The Department shall fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to this section.

3. A person who wishes to receive reimbursement through the Medicaid program for doula services provided to a recipient of Medicaid must submit to the Division:

(a) An application for enrollment in the form prescribed by the Division; and

(b) Proof that he or she possesses the required training and qualifications prescribed by the Division pursuant to subsection 4.

4. The Division, in consultation with community-based organizations that provide services to pregnant women in this State, shall prescribe the required training and qualifications for enrollment pursuant to subsection 3 to receive reimbursement through Medicaid for doula services.

5. As used in this section:

(a) "Doula services" means services to provide education and support relating to childbirth, including, without limitation, emotional and physical support provided during pregnancy, labor, birth and the postpartum period.

(b) "Enrolled doula" means a doula who is enrolled with the Division pursuant to this section to receive reimbursement through Medicaid for doula services.

Sec. 27. 1. To the extent that money is available, the Director shall include in the State Plan for Medicaid a requirement that, except as otherwise provided in subsection 2, the State must provide reimbursement for the services of an advanced practice registered nurse, including, without limitation, a certified nurse-midwife, to the same extent as if the services were provided by a physician.

2. The provisions of subsection 1 do not apply to services provided to a recipient of Medicaid who receives health care services through a Medicaid managed care program.

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

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

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

Sec. 28. 1. To the extent that money is available, the Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:

(a) Supplies for breastfeeding a child until the child's first birthday. Such supplies include, without limitation, electric or hospital-grade breast pumps that:

(1) Have been prescribed or ordered by a qualified provider of health care; and

(2) Are medically necessary ~~for are necessary~~ for the mother ~~for~~ or the child ~~to return to work.~~

(b) Such prenatal screenings and tests as are recommended by the American College of Obstetricians and Gynecologists, or its successor organization.

2. The Director shall include in the State Plan for Medicaid a requirement that, to the extent that money and federal financial participation are available, the State must pay the nonfederal share of expenditures incurred for lactation consultation and support.

3. As used in this section:

(a) "Medically necessary" has the meaning ascribed to it in NRS 695G.055.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 29. NRS 422.2372 is hereby amended to read as follows:

422.2372 The Administrator shall:

1. Supply the Director with material on which to base proposed legislation.

2. Cooperate with the Federal Government and state governments for the more effective attainment of the purposes of this chapter.

3. Coordinate the activities of the Division with other agencies, both public and private, with related or similar activities.

4. Keep a complete and accurate record of all proceedings, record and file all bonds and contracts, and assume responsibility for the custody and preservation of all papers and documents pertaining to the office of the Administrator.

5. Inform the public in regard to the activities and operation of the Division, and provide other information which will acquaint the public with the financing of Medicaid programs.

6. Conduct studies into the causes of the social problems with which the Division is concerned.

7. Invoke any legal, equitable or special procedures for the enforcement of orders issued by the Administrator or the enforcement of the provisions of this chapter.

8. *Exclude from participation in Medicaid any provider of health care that fails to comply with the requirements of section 13 of this act.*

9. Exercise any other powers that are necessary and proper for the standardization of state work, to expedite business and to promote the efficiency of the service provided by the Division.

Sec. 30. NRS 422.273 is hereby amended to read as follows:

422.273 1. *To the extent that money is available, the Department shall:*

(a) *Establish a Medicaid managed care program to provide health care services to recipients of Medicaid in all geographic areas of this State. The program is not required to provide services to recipients of Medicaid who are aged, blind or disabled pursuant to Title XVI of the Social Security Act, 42 U.S.C. §§ 1381 et seq.*

(b) *Conduct a statewide procurement process to select health maintenance organizations to provide the services described in paragraph (a).*

2. For any Medicaid managed care program established in the State of Nevada, the Department shall contract only with a health maintenance organization that has:

(a) Negotiated in good faith with a federally-qualified health center to provide health care services for the health maintenance organization;

(b) Negotiated in good faith with the University Medical Center of Southern Nevada to provide inpatient and ambulatory services to recipients of Medicaid; ~~and~~

(c) Negotiated in good faith with the University of Nevada School of Medicine to provide health care services to recipients of Medicaid ~~and~~; *and*

(d) *Complied with the provisions of subsection 2 of section 12 of this act.*

➡ Nothing in this section shall be construed as exempting a federally-qualified health center, the University Medical Center of Southern Nevada or the University of Nevada School of Medicine from the requirements for contracting with the health maintenance organization.

~~{2.}~~ 3. During the development and implementation of any Medicaid managed care program, the Department shall cooperate with the University of Nevada School of Medicine by assisting in the provision of an adequate and diverse group of patients upon which the school may base its educational programs.

~~{3.}~~ 4. The University of Nevada School of Medicine may establish a nonprofit organization to assist in any research necessary for the development of a Medicaid managed care program, receive and accept gifts, grants and donations to support such a program and assist in establishing educational services about the program for recipients of Medicaid.

~~{4.}~~ 5. For the purpose of contracting with a Medicaid managed care program pursuant to this section, a health maintenance organization is exempt from the provisions of NRS 695C.123.

~~{5.}~~ 6. *To the extent that money is available, a Medicaid managed care program must include, without limitation, a state-directed payment arrangement established in accordance with 42 C.F.R. § 438.6(c) to require a Medicaid managed care organization to reimburse a critical access hospital and any federally-qualified health center or rural health clinic affiliated with a critical access hospital for covered services at a rate that is equal to or greater than the rate received by the critical access hospital, federally-qualified health center or rural health clinic, as applicable, for services provided to recipients of Medicaid on a fee-for-service basis.*

7. The provisions of this section apply to any managed care organization, including a health maintenance organization, that provides health care services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program pursuant to a contract with the Division. Such a managed care organization or health maintenance organization is not required to establish a system for conducting external reviews of adverse determinations in accordance with chapter 695B, 695C or 695G of NRS. This subsection does not exempt such a managed care organization or health maintenance organization for services provided pursuant to any other contract.

~~{6.}~~ 8. As used in this section, unless the context otherwise requires:

(a) *"Critical access hospital" means a hospital which has been certified as a critical access hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 1395i-4(e).*

(b) *"Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).*

~~{(b)}~~ (c) *"Health maintenance organization" has the meaning ascribed to it in NRS 695C.030.*

~~{(c)}~~ (d) *"Managed care organization" has the meaning ascribed to it in NRS 695G.050.*

(e) *"Rural health clinic" has the meaning ascribed to it in 42 C.F.R. § 405.2401.*

Sec. 31. (Deleted by amendment.)

Sec. 32. NRS 427A.605 is hereby amended to read as follows:

427A.605 1. The Director may establish a program to negotiate discounts and rebates for hearing devices and related costs, including, without limitation, ear molds, batteries and FM systems, for children in this State who are deaf or hard of hearing on behalf of entities described in subsection 2 who participate in the program.

2. The following persons and entities may participate in a program established pursuant to subsection 1:

(a) The Public Employees' Benefits Program;

(b) A governing body of a county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency

that provides health coverage to employees through a self-insurance reserve fund pursuant to NRS 287.010;

(c) An insurer that holds a certificate of authority to transact insurance in this State pursuant to chapter 680A of NRS;

(d) An employer or employee organization based in this State that provides health coverage to employees through a self-insurance reserve fund;

(e) A governmental agency or nonprofit organization that purchases hearing devices for children in this State who are deaf or hard of hearing;

(f) A resident of this State who does not have coverage for hearing devices;
~~[and]~~

(g) *The Public Option established pursuant to section 10 of this act; and*

(h) Any other person or entity that provides health coverage or otherwise purchases hearing devices for children in this State who are deaf or hard of hearing.

3. A person or entity described in subsection 2 may participate in any program established pursuant to subsection 1 by submitting an application to the Department in the form prescribed by the Department.

Sec. 33. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by a fetal alcohol spectrum disorder or prenatal substance use disorder or has withdrawal symptoms resulting from prenatal substance exposure shall, as soon as reasonably

practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C or 653 of NRS.

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person employed by a public school or private school and any person who serves as a volunteer at such a school.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children, including, without limitation, a person who is employed by a school district or public school.

(m) Any person who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide doula services to recipients of Medicaid pursuant to section 26 of this act.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

9. Before a person may serve as a volunteer at a public school or private school, the school must:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section and NRS 392.303;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section and NRS 392.303; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person serves as a volunteer at the school.

10. As used in this section:

(a) "Private school" has the meaning ascribed to it in NRS 394.103.

(b) "Public school" has the meaning ascribed to it in NRS 385.007.

Sec. 34. NRS 439B.260 is hereby amended to read as follows:

439B.260 1. A major hospital shall reduce or discount the total billed charge by at least 30 percent for hospital services provided to an inpatient who:

(a) Has no policy of health insurance or other contractual agreement with a third party that provides health coverage for the charge;

(b) Is not eligible for coverage by a state or federal program of public assistance that would provide for the payment of the charge; and

(c) Makes reasonable arrangements within 30 days after the date that notice was sent pursuant to subsection 2 to pay the hospital bill.

2. A major hospital shall include on or with the first statement of the hospital bill provided to the patient after his or her discharge a notice of the reduction or discount available pursuant to this section, including, without limitation, notice of the criteria a patient must satisfy to qualify for a reduction or discount.

3. A major hospital or patient who disputes the reasonableness of arrangements made pursuant to paragraph (c) of subsection 1 may submit the dispute to the Bureau for Hospital Patients for resolution as provided in NRS 232.462.

4. A major hospital shall reduce or discount the total billed charge of its outpatient pharmacy by at least 30 percent to a patient who is eligible for Medicare.

5. As used in this section, "third party" means:

(a) An insurer, as that term is defined in NRS 679B.540;

(b) A health benefit plan, as that term is defined in NRS 687B.470, for employees which provides coverage for services and care at a hospital;

(c) A participating public agency, as that term is defined in NRS 287.04052, and any other local governmental agency of the State of Nevada which provides a system of health insurance for the benefit of its officers and employees, and the dependents of officers and employees, pursuant to chapter 287 of NRS; ~~for~~

(d) *The Public Option established pursuant to section 10 of this act; or*

(e) Any other insurer or organization providing health coverage or benefits in accordance with state or federal law.

➡ The term does not include an insurer that provides coverage under a policy of casualty or property insurance.

Sec. 35. NRS 439B.665 is hereby amended to read as follows:

439B.665 1. On or before February 1 of each year, a nonprofit organization that advocates on behalf of patients or funds medical research in this State and has received a payment, donation, subsidy or anything else of value from a manufacturer, third party or pharmacy benefit manager or a trade or advocacy group for manufacturers, third parties or pharmacy benefit managers during the immediately preceding calendar year shall:

(a) Compile a report which includes:

(1) For each such contribution, the amount of the contribution and the manufacturer, third party or pharmacy benefit manager or group that provided the payment, donation, subsidy or other contribution; and

(2) The percentage of the total gross income of the organization during the immediately preceding calendar year attributable to payments, donations, subsidies or other contributions from each manufacturer, third party, pharmacy benefit manager or group; and

(b) Except as otherwise provided in this paragraph, post the report on an Internet website that is maintained by the nonprofit organization and accessible to the public. If the nonprofit organization does not maintain an Internet website that is accessible to the public, the nonprofit organization shall submit the report compiled pursuant to paragraph (a) to the Department.

2. As used in this section, "third party" means:

(a) An insurer, as that term is defined in NRS 679B.540;

(b) A health benefit plan, as that term is defined in NRS 687B.470, for employees which provides coverage for prescription drugs;

(c) A participating public agency, as that term is defined in NRS 287.04052, and any other local governmental agency of the State of Nevada which provides a system of health insurance for the benefit of its officers and employees, and the dependents of officers and employees, pursuant to chapter 287 of NRS; ~~for~~

(d) *The Public Option established pursuant to section 10 of this act; or*

(e) Any other insurer or organization that provides health coverage or benefits in accordance with state or federal law.

➡ The term does not include an insurer that provides coverage under a policy of casualty or property insurance.

Sec. 36. NRS 439B.736 is hereby amended to read as follows:

439B.736 1. "Third party" includes, without limitation:

(a) The issuer of a health benefit plan, as defined in NRS 695G.019, which provides coverage for medically necessary emergency services;

(b) The Public Employees' Benefits Program established pursuant to subsection 1 of NRS 287.043; ~~and~~

(c) *The Public Option established pursuant to section 10 of this act; and*

(d) Any other entity or organization that elects pursuant to NRS 439B.757 for the provisions of NRS 439B.700 to 439B.760, inclusive, to apply to the provision of medically necessary emergency services by out-of-network providers to covered persons.

2. The term does not include the State Plan for Medicaid, the Children's Health Insurance Program or a health maintenance organization, as defined in NRS 695C.030, or managed care organization, as defined in NRS 695G.050, when providing health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department.

Sec. 37. NRS 449A.162 is hereby amended to read as follows:

449A.162 1. Except as otherwise provided in subsection 3, if a hospital provides hospital care to a person who has a policy of health insurance issued by a third party that provides health coverage for care provided at that hospital and the hospital has a contractual agreement with the third party, the hospital:

(a) Shall proceed with any efforts to collect on any amount owed to the hospital for the hospital care in accordance with the provisions of NRS 449A.159.

(b) Shall not collect or attempt to collect from the patient or other responsible party more than the sum of the amounts of any deductible, copayment or coinsurance payable by or on behalf of the patient under the policy of health insurance.

(c) Shall not collect or attempt to collect that amount from:

(1) Any proceeds or potential proceeds of a civil action brought by or on behalf of the patient, including, without limitation, any amount awarded for medical expenses; or

(2) An insurer other than an insurer that provides coverage under a policy of health insurance or an insurer that provides coverage for medical payments under a policy of casualty insurance.

2. If the hospital collects or receives any payments from an insurer that provides coverage for medical payments under a policy of casualty insurance, the hospital shall, not later than 30 days after a determination is made concerning coverage, return to the patient any amount collected or received that is in excess of the deductible, copayment or coinsurance payable by or on behalf of the patient under the policy of health insurance.

3. This section does not apply to:

(a) Amounts owed to the hospital which are not covered under the policy of health insurance; or

(b) Medicaid, Medicare, the Children's Health Insurance Program or any other public program which may pay all or part of the bill.

4. This section does not limit any rights of a patient to contest an attempt to collect an amount owed to a hospital, including, without limitation, contesting a lien obtained by a hospital.

5. As used in this section, "third party" means:

(a) An insurer, as defined in NRS 679B.540;

(b) A health benefit plan, as defined in NRS 687B.470, for employees which provides coverage for services and care at a hospital;

(c) A participating public agency, as defined in NRS 287.04052, and any other local governmental agency of the State of Nevada which provides a system of health insurance for the benefit of its officers and employees, and the dependents of officers and employees, pursuant to chapter 287 of NRS; ~~for~~

(d) *The Public Option established pursuant to section 10 of this act; or*

(e) Any other insurer or organization providing health coverage or benefits in accordance with state or federal law.

Sec. 38. Section 10 of this act is hereby amended to read as follows:

Sec. 10. 1. The Director, in consultation with the Commissioner and the Executive Director of the Exchange, shall design, establish and operate a health benefit plan known as the Public Option.

2. The Director:

(a) Shall make the Public Option available:

(1) As a qualified health plan through the Exchange to natural persons who reside in this State and are eligible to enroll in such a plan through the Exchange under the provisions of 45 C.F.R. § 155.305; and

(2) For direct purchase as a policy of individual health insurance by any natural person who resides in this State. The provisions of chapter 689A of NRS and other applicable provisions of this title apply to the Public Option when offered as a policy of individual health insurance.

(b) May make the Public Option available to small employers in this State or their employees to the extent authorized by federal law. The provisions of chapter 689C of NRS and other applicable provisions of this title apply to the Public Option when it is offered as a policy of health insurance for small employers.

(c) Shall comply with all state and federal laws and regulations applicable to insurers when carrying out the provisions of sections 2 to 15, inclusive, of this act, to the extent that such laws and regulations are not waived.

3. The Public Option must:

(a) Be a qualified health plan, as defined in 42 U.S.C. § 18021; and

(b) Provide at least levels of coverage consistent with the actuarial value of one silver plan and one gold plan.

4. ~~Except as otherwise provided in this section, the premiums for the Public Option:~~

~~—(a) Must be at least 5 percent lower than the reference premium for that zip code; and~~

~~—(b) Must not increase in any year by a percentage greater than the increase in the Medicare Economic Index for that year.~~

~~5. The Director, in consultation with the Commissioner and the Executive Director of the Exchange, may revise the requirements of subsection 4, provided that the average premiums for the Public Option must be at least 15 percent lower than the average reference premium~~

~~in this State over the first 4 years in which the Public Option is in operation.~~

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

(a) "Gold plan" means a qualified health plan that meets the requirements established by 42 U.S.C. § 18022 for a gold level plan.

(b) "Health benefit plan" means a policy, contract, certificate or agreement to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services.

(c) "Medicare Economic Index" means the Medicare Economic Index, as designated by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services pursuant to 42 C.F.R. § 405.504.

(d) "Reference premium" means, for any zip code, the lower of:

(1) The premium for the second-lowest cost silver level plan available through the Exchange in the zip code during the 2024 plan year, adjusted by the percentage change in the Medicare Economic Index between January 1, 2024, and January 1 of the year to which a premium applies; or

(2) The premium for the second-lowest cost silver level plan available through the Exchange in the zip code during the year immediately preceding the year to which a premium applies.

(e) "Silver plan" means a qualified health plan that meets the requirements established by 42 U.S.C. § 18022 for a silver level plan.

(f) "Small employer" has the meaning ascribed to it in 42 U.S.C. § 18024(b)(2).

Sec. 38.3. 1. There is hereby appropriated from the State General Fund to the Division of Welfare and Supportive Services of the Department of Health and Human Services the sum of \$167,850 to pay the costs for enhancements to the information technology system of the Division that are necessary to carry out the provisions of sections 24 to 28, inclusive, of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 38.6. 1. There is hereby appropriated from the State General Fund to the Public Option Trust Fund created by section 15 of this act the sum of \$1,639,366 to pay the costs of carrying out the provisions of sections 2 to 15, inclusive, ~~and 39~~ of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation

is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 38.8. 1. There is hereby appropriated from the State General Fund to the Silver State Health Insurance Exchange the sum of \$600,000 to pay the costs of carrying out the provisions of sections 2 to 15, inclusive, and 39 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 39. 1. The Director of the Department of Health and Human Services, the Commissioner of Insurance and the Executive Director of the Silver State Health Insurance Exchange shall apply for the waiver described in paragraph (a) of subsection 1 of section 11 of this act not later than January 1, 2024.

2. In preparing the initial application for the waiver described in paragraph (a) of subsection 1 of section 11 of this act, the Director of the Department of Health and Human Services, the Commissioner of Insurance and the Executive Director of the Silver State Health Insurance Exchange shall contract with an independent actuary to conduct an actuarial assessment pursuant to subsection 2 of section 11 of this act. The actuarial assessment:

(a) Must be completed before the application for the waiver is submitted; and

(b) Must include, without limitation, an analysis of the likely effect on premiums for health insurance in this State of:

(1) The provisions of subsection 1 of section 13 of this act, as those provisions apply to providers of health care, as defined in NRS 695G.070, who participate in the Public Employees' Benefits Program established pursuant to subsection 1 of NRS 287.043 or provide care to an injured employee pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS, and the amendatory provisions of section 21 of this act; and

(2) Repealing the provisions described in subparagraph (1).

3. The Director of the Department of Health and Human Services shall make the Public Option available to natural persons who reside in this State in accordance with the provisions of section 10 of this act for the coverage year that begins on January 1, 2026.

4. As used in this section, "Public Option" has the meaning ascribed to it in section 8 of this act.

Sec. 39.5. On or before January 1, 2025, the Executive Director of the Silver State Health Insurance Exchange, in collaboration with the Department of Health and Human Services, shall:

1. Apply for the waiver described in subsection 1 of section 16.5 of this act; and

2. Submit to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature a report of recommendations concerning any revisions to Nevada law necessary to:

(a) Authorize an organization described in section 501(c)(5) of the Internal Revenue Code to offer a policy of insurance described in subsection 1 of section 16.5 of this act for direct purchase outside the Exchange as a policy of individual health insurance;

(b) Align state law concerning individual health insurance with the requirements in the request for the waiver described in subsection 1 of section 16.5 of this act; and

(c) Ensure that any state subsidies available to reduce the cost of premiums for individual health insurance are available for a policy of insurance described in subsection 1 of section 16.5 of this act.

Sec. 40. 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. 40.5. 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. 41. 1. This section and sections 16.3, 16.5, 16.8 ~~[7]~~ and 39 ~~[, 39.5 and 40]~~ to 40.5, inclusive, of this act become effective upon passage and approval.

2. Sections 1 to 14, inclusive, 16, ~~[17]~~ 19 ~~[to]~~, 20, 21, 22, ~~[inclusive, and]~~ 29 to 32, inclusive, and 34 to 37, inclusive, of this act become effective:

(a) Upon passage and approval for the purposes of procurement and any other preparatory administrative tasks necessary to carry out the provisions of those sections; and

(b) On January 1, 2026, for all other purposes.

3. Sections 15, 16.35 to 16.47, inclusive, 20.5, 38.3 and 38.6 of this act become effective on July 1, 2021.

4. Sections 17, 18, [and] 23 to 28, inclusive, 33 and 38.8 of this act become effective on January 1, 2022.

5. Section 38 of this act becomes effective on January 1, 2030.

Senator Ratti moved that the Senate concur in Assembly Amendment No. 833 to Senate Bill No. 420.

Remarks by Senator Cannizzaro.

Amendment No. 833 revises Senate Bill No. 420 by requiring the Public Option be made available as a qualified health plan through the Silver State Health Insurance Exchange to natural

persons who reside in Nevada and are eligible and for direct purchase as a policy of individual health insurance by any natural person who resides in Nevada. Additionally, Amendment No. 833 requires any health carrier, person or entity with which the Director of DHHS contracts to administer the Public Option or the Director, if he or she administers it directly, to take certain actions. It specifies that enteral formulas must be covered by certain health insurers, include formulas that are ingested orally and requires the Public Employees Benefits Program to cover such enteral formulas. It revises provisions related to expanding Medicaid coverage for pregnant women. It appropriates money from the State General Fund to the Silver State Health Insurance Exchange to pay for the costs for carrying out the requirements of the bill.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 428.

The following Assembly amendment was read:

Amendment No. 832.

SUMMARY—Makes appropriations to the Nevada Highway Patrol Division of the Department of Public Safety for the replacement of vehicles and motorcycles and certain equipment. (BDR S-1129)

AN ACT making appropriations to the Nevada Highway Patrol Division of the Department of Public Safety for the replacement of vehicles and motorcycles and certain equipment; and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of \$10,433,390 for the replacement of fleet vehicles and associated special equipment.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 15, 2023.

Sec. 2. 1. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of \$278,772 for the replacement of fleet motorcycles and associated special equipment.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated

or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 15, 2023.

Sec. 3. ~~[1. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of \$400,750 for oral fluid mobile analyzers and cartridges to be used for drug related offenses.~~

~~2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 15, 2023.]~~
(Deleted by amendment.)

Sec. 4. 1. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of \$1,211,984 for the replacement of mobile data computer tablets.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 15, 2023.

Sec. 5. 1. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of \$238,989 for equipment items for the Division's multidisciplinary investigation and reconstruction teams.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 15, 2023.

Sec. 6. 1. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of \$143,043 for the replacement of printers and associated mobile adapters.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation

is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 15, 2023.

Sec. 7. 1. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of \$198,050 for the replacement of computer hardware and software.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 15, 2023.

Sec. 8. This act becomes effective upon passage and approval.

Senator Brooks moved that the Senate concur in Assembly Amendment No. 832 to Senate Bill No. 428.

Remarks by Senator Brooks.

Amendment No. 832 to Senate Bill No. 428 removes section 3 from the bill.

Motion carried by a constitutional majority.

Bill ordered enrolled.

REPORTS OF CONFERENCE COMMITTEES

Madam President:

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

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

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

Conference Amendment No. 1.

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

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

Legislative Counsel's Digest:

Existing law authorizes a peace officer, whenever any person is detained by the peace officer for any violation of an ordinance or a state law punishable as a misdemeanor and the person is not otherwise required to be taken before a magistrate, to issue the person a misdemeanor citation instead of taking the person before the proper magistrate. (NRS 171.1771) Similarly, existing law authorizes a peace officer to issue a misdemeanor citation in lieu of taking a person before a magistrate if the person is arrested by a private person for any violation of an ordinance or a state law punishable as a misdemeanor. (NRS 171.1772) Existing law, however, removes the discretion of the peace officer to issue the misdemeanor citation and requires the person to be taken before a magistrate if the identity of the person cannot be verified or the peace officer believes the person

will disregard a written promise to appear in court. (NRS 171.1771, 171.1772) Sections 6 and 7 of this bill: (1) require a peace officer to issue a misdemeanor citation for any such violation unless the violation is a repeat offense or a prohibited offense, in which case the peace officer is authorized to issue the misdemeanor citation; and (2) expand the circumstances under which a peace officer is prohibited from issuing the misdemeanor citation to include those circumstances in which the peace officer believes the violation will continue if the person is not taken before a magistrate or the peace officer believes another person or property is in imminent danger. Section 8 of this bill makes a conforming change related to the issuance of misdemeanor citations.

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

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

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

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

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

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

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

Existing law requires a candidate for the office of county sheriff to: (1) be a qualified elector and at least 21 years old on the date on which the candidate is to take office; and (2) meet certain other qualifications based upon the population of the county. In a county whose population is 100,000 or more (currently Clark and Washoe Counties), existing law requires the candidate to, before filing a declaration of candidacy: (1) have accumulated at least 5 consecutive years of any combination of employment or service as a peace officer in this State, or as a law enforcement officer of the Federal Government or another state or political subdivision thereof; and (2) have been certified as a category I peace officer in this State or the equivalent in another state or have

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

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

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

Sec. 2. (Deleted by amendment.)

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

Sec. 3.3. 1. *"Prohibited offense" means:*

(a) *A violation of a temporary order for protection;*

(b) *A violation of NRS 200.575;*

(c) *A crime of violence;*

(d) *A violation of NRS 483.490; or*

(e) *A violation of NRS 483.560.*

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

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

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

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

Sec. 5. (Deleted by amendment.)

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

171.1771 ~~{Whenever}~~

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

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

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

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

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

(2) *The violation will continue; or*

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

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

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

arrested may be issued the misdemeanor citation or be immediately taken before a magistrate by the peace officer.

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

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

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

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

(2) *The violation will cease; and*

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

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

171.1773 1. Whenever a person is detained by a peace officer for any violation of a county, city or town ordinance or a state law which is punishable as a misdemeanor and the person is not taken before a magistrate as required or permitted by NRS 171.177, 171.1771 or 171.1772, the peace officer ~~{may}~~ *must* prepare a misdemeanor citation manually or electronically in the form of a complaint issuing in the name of "The State of Nevada" or in the name of the respective county, city or town, containing a notice to appear in court, the name and address of the person, the state registration number of the person's vehicle, if any, the offense charged, including a brief description of the offense and the NRS or ordinance citation, the time when and place where the person is required to appear in court, and such other pertinent information as may be necessary. The citation must be signed by the peace officer. If the citation is prepared electronically, the officer shall sign the copy of the citation that is delivered to the person charged with the violation.

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

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

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

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

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

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

(a) Is charged with a misdemeanor other than:

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

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

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

(4) A minor traffic offense; and

(b) Has not previously been:

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

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

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

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

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

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

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

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

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

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

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

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

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

7. As used in this section:

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

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

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

(1) New felony or gross misdemeanor;

(2) Battery which constitutes domestic violence pursuant to NRS 200.485;

(3) Violation of NRS 484C.110 or 484C.120;

(4) Crime of violence ~~as defined in NRS 200.408~~ that is punishable as a misdemeanor;

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

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

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

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

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

176A.630 1. If the probationer is arrested, by or without warrant, in another judicial district of this state, the court which granted the probation may assign the case to the district court of that district, with the consent of that court. The court retaining or thus acquiring jurisdiction shall cause the defendant to be brought before it, consider the standards adopted pursuant to NRS 213.10988 and system of graduated sanctions adopted pursuant to NRS 176A.510, as applicable, and the recommendation, if any, of the Chief Parole and Probation Officer. Upon determining that the probationer has violated a condition of probation, the court shall, if practicable, order the probationer to make restitution for any necessary expenses incurred by a governmental entity in

returning the probationer to the court for violation of the probation. If the court finds that the probationer committed a violation of a condition of probation by committing a new felony or gross misdemeanor, battery which constitutes domestic violence pursuant to NRS 200.485, violation of NRS 484C.110 or 484C.120, crime of violence ~~as defined in NRS 200.408~~ that is punishable as a misdemeanor, harassment pursuant to NRS 200.571, stalking or aggravated stalking pursuant to NRS 200.575, violation of a stay away order involving a natural person who is the victim of the crime for which the probationer is being supervised, violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 or by absconding, the court may:

- (a) Continue or revoke the probation or suspension of sentence;
- (b) Order the probationer to a term of residential confinement pursuant to NRS 176A.660;
- (c) Order the probationer to undergo a program of regimental discipline pursuant to NRS 176A.780;
- (d) Cause the sentence imposed to be executed; or
- (e) Modify the original sentence imposed by reducing the term of imprisonment and cause the modified sentence to be executed. The court shall not make the term of imprisonment less than the minimum term of imprisonment prescribed by the applicable penal statute. If the Chief Parole and Probation Officer recommends that the sentence of a probationer be modified and the modified sentence be executed, the Chief Parole and Probation Officer shall provide notice of the recommendation to any victim of the crime for which the probationer was convicted who has requested in writing to be notified and who has provided a current address to the Division. The notice must inform the victim that he or she has the right to submit documents to the court and to be present and heard at the hearing to determine whether the sentence of a probationer who has violated a condition of probation should be modified. The court shall not modify the sentence of a probationer and cause the sentence to be executed until it has confirmed that the Chief Parole and Probation Officer has complied with the provisions of this paragraph. The Chief Parole and Probation Officer must not be held responsible when such notification is not received by the victim if the victim has not provided a current address. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division pursuant to this paragraph is confidential.

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

- (a) Continue the probation or suspension of sentence;
- (b) Order the probationer to a term of residential confinement pursuant to NRS 176A.660;
- (c) Temporarily revoke the probation or suspension of sentence and impose a term of imprisonment of not more than:
 - (1) Thirty days for the first temporary revocation;
 - (2) Ninety days for the second temporary revocation; or
 - (3) One hundred and eighty days for the third temporary revocation; or
- (d) Fully revoke the probation or suspension of sentence and impose imprisonment for the remainder of the sentence for a fourth or subsequent revocation.

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

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

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

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

5. As used in this section:

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

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

- (1) New felony or gross misdemeanor;
- (2) Battery which constitutes domestic violence pursuant to NRS 200.485;
- (3) Violation of NRS 484C.110 or 484C.120;
- (4) Crime of violence ~~as defined in NRS 200.408~~ that is punishable as a misdemeanor;
- (5) Harassment pursuant to NRS 200.571 or stalking or aggravated stalking pursuant to NRS 200.575;

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

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

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

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

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

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

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

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

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

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

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

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

2. A petition filed pursuant to subsection 1 must:

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

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

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

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

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

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

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

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

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

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

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

8. As used in this section:

- (a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.
- (b) "Sexual offense" means:

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

(2) Sexual assault pursuant to NRS 200.366.

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

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

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

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

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

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

(9) Incest pursuant to NRS 201.180.

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

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

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

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

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

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

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

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

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

179.247 1. If a person has been convicted of any offense listed in subsection 2, the person may petition the court in which he or she was convicted or, if the person wishes to file more than one petition and would otherwise need to file a petition in more than one court, the district court, for an order:

(a) Vacating the judgment; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. If the prosecuting attorney who prosecuted the petitioner for the crime stipulates to vacating the judgment of the petitioner and sealing all documents, papers and exhibits related to the case after receiving notification pursuant to subsection 5 and the court makes the findings set forth in subsection 4, the court may vacate the judgment and seal all documents, papers and exhibits in accordance with subsection 7 without a hearing. If the prosecuting attorney does not stipulate to vacating the judgment and sealing the documents, papers and exhibits, a hearing on the petition must be conducted.

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

(a) Vacate the judgment and dismiss the accusatory pleading; and

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

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

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

~~{10.—As used in this section, "crime of violence" means:~~

~~—(a) Any offense involving the use or threatened use of force or violence against the person or property of another; or~~

~~—(b) Any felony for which there is a substantial risk that force or violence may be used against the person or property of another in the commission of the felony.]~~

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

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

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

(b) Sexual assault pursuant to NRS 200.366.

(c) Statutory sexual seduction pursuant to NRS 200.368.

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

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

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

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

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

(i) Incest pursuant to NRS 201.180.

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

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

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

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

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

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

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

(q) Sex trafficking pursuant to NRS 201.300.
 (r) Any other offense that has an element involving a sexual act or sexual conduct with another.
 (s) An attempt or conspiracy to commit an offense listed in paragraphs (a) to (r), inclusive.
 (t) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.
 (u) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this subsection. This paragraph includes, without limitation, an offense prosecuted in:

(1) A tribal court.

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

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

(1) A tribal court.

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

(3) A court having jurisdiction over juveniles.

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

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

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

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 17.5. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

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

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

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

(b) Is a qualified elector; and

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

2. If a person described in paragraph (c) of subsection 1 is a candidate for the office of sheriff in a county whose population is ~~140,000~~ 30,000 or more, the person must meet the following requirements at the time he or she files his or her declaration of candidacy for the office:

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

(1) As a peace officer;

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

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

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

(b) He or she has:

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

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

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

3. If a person described in paragraph (c) of subsection 1 is a candidate for the office of sheriff in a county whose population is less than ~~140,000~~ 30,000, the person is not required to meet any requirements with respect to employment, service, certification or training at the time he or she files his or her declaration of candidacy for the office. However, such a person forfeits his or her office if, within 1 year after the date on which the person takes office, the person fails to earn certification by the Commission as a category I peace officer, category II peace officer or category III peace officer.

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

5. As used in this section:

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

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

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

(d) "Commission" means the Peace Officers' Standards and Training Commission created pursuant to NRS 289.500.

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

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

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

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

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

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

4. Any system established pursuant to subsection 1 must:

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

(1) The traffic citation number;

(2) The name and address of the person;

(3) The state registration number of the person's vehicle, if any;

(4) The number of the driver's license of the person, if any;

(5) The offense charged; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) The receipt shall be deemed personal service of the notice to appear in court;
- (b) A copy of the citation signed by the peace officer suffices as proof of service; and
- (c) The peace officer shall not take the person into physical custody for the violation.

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

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

- 1. A traffic citation in accordance with the standards provided in NRS 484A.730; or
- 2. A misdemeanor citation in accordance with the standards provided in NRS 171.1771.

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

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

- (a) Homicide by vehicle;
- (b) A violation of NRS 484C.110 or 484C.120;
- (c) A violation of NRS 484C.430;

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

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

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

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

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

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

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

- ~~— 1. When the person does not furnish satisfactory evidence of identity or when the peace officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court or a notice to appear in court;}~~
- ~~2. {When the person is charged with a violation of NRS 484D.580 relating to the refusal of a driver of a vehicle to submit the vehicle to an inspection and test;~~
- ~~— 3. When the person is charged with a violation of NRS 484D.675 relating to the failure or refusal of a driver of a vehicle to submit the vehicle and load to a weighing or to remove excess weight therefrom; or~~
- ~~— 4. When the person is charged with a violation of NRS 484C.110 or 484C.120, unless the person is incapacitated and is being treated for injuries at the time the peace officer would otherwise be taking the person before the magistrate.} As used in this section:~~

(a) "Prohibited offense" means:

- (1) A violation of NRS 484B.653;
- (2) A violation of NRS 484C.110;
- (3) A violation of NRS 484C.120;
- (4) A violation of NRS 484E.020;
- (5) A violation of NRS 484E.030;
- (6) A violation of NRS 484E.040; or
- (7) A crime of violence, as defined in NRS 200.408.

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

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

488.920 ~~{Whenever}~~

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

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

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

(1) A felony or gross misdemeanor; or

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

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

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

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

3. As used in this section:

(a) "Prohibited offense" means:

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

(2) A violation of NRS 488.410.

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

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

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

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

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

(1) A felony or gross misdemeanor; or

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

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

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

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

3. As used in this section:

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

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

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

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

(b) July 1, 2023.

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

DALLAS HARRIS

MELANIE SCHEIBLE

JAMES A. SETTELMAYER

Senate Conference Committee

STEVE YEAGER

ROCHELLE NGUYEN

LISA KRASNER

Assembly Conference Committee

Senator Harris moved that the Senate adopt the report of the Conference Committee concerning Assembly Bill No. 440.

Motion carried by a constitutional majority.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam President appointed Senators Harris, Scheible and Settlemeyer as a Conference Committee to meet with a like Committee of the Assembly for the further consideration of Senate Bill No. 369.

REMARKS FROM THE FLOOR

Senator Hansen requested that his remarks be entered in the Journal.

I am disturbed by what is going on behind the scenes with the passage of Assembly Bill No. 495. The Clark County Education Association got over 200,000 signatures to make sure Initiative Petition No. 1 was placed on the ballot. This was submitted to the Secretary of State and was challenged in the court by the Nevada Resort Association. The court said the petition was fine as did the Secretary of State. Part of the deal, as I understand it, is that we are going to try to find a way to take Initiative Petition No. 1 off the ballot and deny those people from the Education Association the right to vote. What is the Initiative Petition? It is about raising the gross gaming tax on gaming. Obviously, we are not doing it through this building and Chamber; we have passed the buck.

What I am most disturbed about is what our Constitution requires. We do not have the right to make backroom deals and take initiative petitions off of the ballot. Article 19 of the *Nevada Constitution* says, "... the people reserve to themselves the power to propose, by initiative petition, statutes and amendments to statutes and amendments to this Constitution, and to enact or reject them at the polls." It also says that the Secretary of State has 30 days before any regular Session to verify it. That has all been done. It also states, "If the statute or amendment to a statute is rejected by the Legislature, or if no action is taken thereon within 40 days, the Secretary of State shall submit the question of approval or disapproval of such statute or amendment to a statute to a vote of the voters at the next succeeding general election. If a majority of the voters voting on such question at such election votes approval of such statute or amendment to a statute, it shall become law" That is in the Constitution, to ensure that an exceptionally powerful industry, like gaming, cannot intimidate this Body so severely that they cannot get a reasonable tax passed. This is what the people want and what the Constitution requires. If there is a backroom deal where they are going to try and pull Initiative Petition No. 1 off the ballot, it is a disgraceful violation of our swearing to uphold the Constitution of the State.

For decades, the gaming people have failed to pay their fair share. Initiative Petition No. 1 could raise \$640 million per biennium for education. For those of you talking about the need to fully fund education, I suggest we encourage this Initiative Petition go forward so gaming can start to pay their fair share. It is more convenient to single out a small industry that does not have the clout the Nevada Resort Association and the gaming people have. This is wrong and is why the initiative petition process exists. The people are afraid that sometimes we are too intimidated by big industries. I urge my colleagues to obey the Constitution and make sure Initiative Petition No. 1 ends up on the ballot. I am sure the teachers and citizens of Nevada would support raising a reasonable tax on gaming in order to add another \$640 million into the coffers of the education world, which according to everyone's testimony earlier, is underfunded in Nevada.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Senate Bill No. 463 be taken from its position on the General File and placed at the top of the General File and considered next.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 463.

Bill read third time.

Remarks by Senators Hammond and Seevers Gansert.

SENATOR HAMMOND:

Senate Bill No. 463 provides that any remaining balance of the \$5 million appropriation made by section 2.3 of chapter 455, Statutes of Nevada 2019, Senate Bill 208 of the 80th 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.

Senate Bill No. 463 also 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.

SENATOR SEEVERS GANSERT:

I want to thank our Fiscal staff and my colleagues for working on Senate Bill No. 463. This money is important to charter schools, and we wanted to ensure they were made whole as we start implementing the new funding plan.

Roll call on Senate Bill No. 463:

YEAS—21.

NAYS—None.

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

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 31, 2021

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 22, 34, 51, 68, 69, 70, 154, 158, 175, 185, 295, 385, 389, 438.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Assembly Bill No. 37 be taken from the Secretary's desk and placed on the General File.

Motion carried.

By Senators Cannizzaro, Ratti, Settelmeyer and Hardy:

Senate Resolution No. 8—Expressing appreciation to the staff of the Legislative Counsel Bureau for their service during the 81st Session of the Nevada Legislature.

Resolution read.

Senator Cannizzaro moved the adoption of the resolution.

Remarks by Senators Cannizzaro and Settelmeyer.

SENATOR CANNIZZARO:

As members will note, we spent much time during this Session asking many of our staff to do work. From LCB's perspective, they have written and rewritten many amendments, some of which we have adopted, many more of which we have not adopted, written and rewritten bills, some of which we have passed, many of which we have not passed. Yet, their ability to continue providing

all of that to us is constant. We also request much of Research: can we look into this; can we look into that; can you tell me more about all of these things we do not know about. Yet, they always seem to know everything about it.

Senate Resolution No. 8 expresses our sincere gratitude and appreciation to the staff of LCB. I would be remiss, if I did not sit on the Finance Committee this Session, to say I think all of our Fiscal staff is wildly intelligent and so good with numbers and so much of the reason I went to law school and am not a mathematician. They do a phenomenal job, as well as the rest of our Divisions and people who provide us support at the LCB.

This resolution not only acknowledges the LCB, as was established in 1945, to provide the Nevada Legislature with independent, unbiased information and assistance to address our increasingly complex policy and fiscal issues that arise each Legislative Session but also to always strive to meet the ever-increasing challenges of providing nonpartisan, centralized services to members of both Houses of the Legislature and their constituents in the most efficient and professional manner possible. They have evolved into an organization of public servants who provide a full range of services for the "people's branch" of government.

In the Administrative Division of LCB, the staff of Information Technology Services and Broadcast and Production Services innovated to adapt to the legislative process to new virtual technologies. The staff of the Buildings Unit, the Grounds Unit and the Janitorial Unit have meticulously maintained the beauty, safety and cleanliness of the legislative buildings and grounds. The staff of the Accounting Unit, the General Services Unit and the Las Vegas Office have performed their roles expertly to ensure members had access to support services and keep the Legislature functioning smoothly. In the Director's Office, the Human Resources Counsel worked to keep everyone in the building safe, coordinating COVID-19 testing, on-site vaccination events for Legislators, staff and members of the press. The Legislative Police ensure the safety of the building through the implementation of a new screening process for visitors. The State Printing Office carried out the enormous task of printing bills, resolutions and other Session documents. The Gift Shop stocked pandemic-related merchandise, such as face masks, and kept the store open through online sales despite the closure of the Legislative Building. The Legislative Auditor and the staff of the Audit Division continued to provide the Legislature with independent and reliable information about the operations of State agencies, programs, activities and functions by conducting high-quality performance audits to promote the accountability in State Government and by overseeing the annual single audit of State Government to ensure federal funding of federal programs. The Senate and Assembly Fiscal Analysts and staff of the Fiscal Analysis Division reviewed the Governor's Executive Budget and related bills and amendments while maintaining their usual accuracy and efficiency. They provided expenditure and revenue analysis. They provided staff support for the Senate Committees on Finance, Revenue and Economic Development and the Assembly Committees on Revenue and Ways and Means and responded to the Legislators' request for information concerning budgets and taxation.

The Legislative Counsel and the staff of the Legal Division drafted and processed legislation and amendments to legislation with meticulous attention to detail, while also providing legal counsel to standing committees meeting remotely and in-person. They provided legal opinions to Legislators and staff on a wide range of issues completing a daunting quality of work under the rigorous scheduling demands of the Legislative Session. The Research Director and staff of the Research Division, including the Research Library and Constituent Services Unit, provided research and analysis of current and proposed public programs and policies. They drafted volumes of floor statements and responded promptly and thoroughly to the Legislator and constituent requests for information while deftly navigating the logistical challenges of new remote technologies. During the Legislative Session, the LCB staff provided services eagerly and professionally, regardless of the time of day or number of hours required, and willingly sacrificed time with family and loved ones to ensure that legislative business could be completed in a timely and efficient manner.

The Senate hereby expresses its sincere appreciation to the outstanding LCB employees and commends their dedication, cooperation, excellent work and willingness to serve the State.

SENATOR SETTELMAYER:

The resolution is fantastic, and I am pleased to support it. I look at the challenges LCB and others have faced with the changes in technology and the work they went through to try to increase public participation during the pandemic, and I am impressed. At first, we were shy of using that technology, and I am appreciative of what they did to reach out and get things done. Everything is elegantly maintained around here from the grounds to the buildings making it a beautiful place to work or walk around. The janitorial staff had to do things they never had to do before due to COVID-19 and the additional cleaning that was required. They were phenomenal in keeping it safe and clean for us. I appreciate all they did. People mainly think of the Legal Department when they think of LCB, but there is much more to it than that. I appreciate all of this and support Senate Resolution No. 8.

Resolution adopted unanimously.

By Senators Cannizzaro, Settelmeyer, Ratti and Hardy:

Senate Resolution No. 9—Expressing appreciation to certain persons and organizations who provided assistance to the Nevada Legislature with its response to the global COVID-19 pandemic during the 81st Session of the Nevada Legislature.

Resolution read.

Senator Cannizzaro moved the adoption of the resolution.

Remarks by Senators Ratti and Settelmeyer.

SENATOR RATTI:

The 81st Session of the Nevada Legislature commenced during unprecedented times in the midst of the COVID-19 global pandemic, Richard Whitley, Director of DHHS, encouraged his staff to work cooperatively with and provide assistance to the Nevada Legislature to ensure the safety of the Legislators, staff members and others meeting in the Legislative Building during the Legislative Session. The assistance and guidance of the expert staff of the Department were invaluable throughout the Legislative Session in determining the safest way to bring Legislators, staff members and others together in the Legislative Building. Julia Peek, Deputy Administrator of the Division of Public and Behavioral Health of DHHS was instrumental in coordinating the provision of COVID-19 testing onsite at the Legislative Building throughout the Legislative Session so that everyone in the building could be tested quickly and easily throughout the Session. Julia Peek further assisted in coordinating vaccination events to be held at the Legislative Building so that Legislators, staff members and others could be vaccinated against COVID-19 onsite as early as possible, making it safer to work in the Legislative Building together. Melissa Peek-Bullock, the State Epidemiologist, was available throughout the Legislative Session to provide expertise regarding best practices, answer questions and assist with determining the appropriate response when positive cases were found within the Legislative Building. Victoria Sepcic, Health Facilities Inspector for the Division, provided prompt and thorough contact tracing of positive cases so that the Legislature could quickly identify any potential exposures and take appropriate action. The State Public Health Laboratory of the UNR School of Medicine provided prompt and accurate test results when additional testing was necessary to confirm positive cases. When it became possible to safely open the Legislative Building to members of the public, David Crowell, Interface Manager of the Division of Public and Behavioral Health, assisted by Emma Fawcett, Administrative Assistant, and other staff of the Division further stepped up by quickly verifying the vaccination status of visitors to the Legislative Building, even spending hours onsite to check the vaccination status of visitors who did not send the information in advance. The Senate wishes to specifically thank Richard Whitley, Director of DHHS; Julia Peek, Deputy Administrator of the Division of Public and Behavioral Health; David Crowell, Interface Manager of the Division; Emma Fawcett, Administrative Assistant of the Division, and the other employees of the Division who assisted with verifying the vaccination status of visitors to the Legislature; Melissa Peek-Bullock, State Epidemiologist; Victoria Sepcic, Health Facilities Inspector; the entire team at DHHS who went above and beyond working tirelessly behind the

scenes to support the public-health response at the Nevada Legislature, and who continue to address the public-health response for the State; and Dr. Mark Pandori and his team at the State Public Health Laboratory of UNR School of Medicine, who assisted with the needs of the Legislature.

The logistics of Session are difficult even in the best of times. This Session, given the pandemic, there was a tremendous amount of work that needed to be accomplished by many people. We are grateful to the people referenced in this resolution for taking on tasks that we never thought would need to be taken on. We appreciate them.

SENATOR SETTELMEYER:

I appreciate all who stepped forward. Having people come and help us be vaccinated so we could open up this building was important. One who is not on this list, but whom I would like to thank, is Walgreens. They stepped forward at a critical time to take care of those individuals in this building who were at high-risk. I would not feel right without doing a shout-out to them for doing that to help protect the most vulnerable in this building during that critical time.

Resolution adopted unanimously.

By Senators Cannizzaro, Settelmeyer, Ratti and Hardy:

Senate Resolution No. 10—Expressing appreciation to the staff of the Senate for their service during the 81st Session of the Nevada Legislature.

Resolution read.

Senator Cannizzaro moved the adoption of the resolution.

Remarks by Senators Cannizzaro and Settelmeyer.

SENATOR CANNIZZARO:

Each Legislative Session the Senate elects an officer to serve as the Parliamentarian and Chief Administrative Officer of the Senate. The Senate of the 81st Session of the Nevada Legislature elected Claire Clift to serve as Secretary of the Senate for the ninth time. The Secretary of the Senate is responsible for employing all of the staff of the Senate, including the Sergeants at Arms, Front Desk Clerks, Administrative Services Staff, Leadership Officers, Legislative Assistants, Committee Managers, Committee Secretaries and Proofreaders. Many of the dedicated members of the staff of the Senate return to work each Legislative Session, some of whom have retired from other governmental service, bringing a vast amount of knowledge and experience, while others bring talent and expertise from a myriad of diverse backgrounds. Despite unprecedented challenges arising out of the COVID-19 global pandemic, the Secretary of the Senate and her able and dedicated staff worked tirelessly to ensure that the Senate was able to carry out its constitutional responsibilities under the challenging circumstances. Throughout the Legislative Session, the Secretary and staff of the Senate meticulously maintained a thorough and accurate record of all of the proceedings of the Senate and its Committees and diligently ensured that all of the needs of the members of the Senate were met. The talented staff who worked for the Senate during the 81st Session of the Nevada Legislature carried out their responsibilities with ingenuity, enthusiasm and resourcefulness, adapting to new policies and technologies necessitated by the pandemic. The exemplary service of the staff of the Senate, their professional attitudes, selfless commitment to excellence and admirable efficiency enabled the Senate to complete a daunting quantity of work within the rigorous scheduling deadlines of the 120-day Legislative Session. The members of the Senate express their sincere appreciation to the Secretary of the Senate and all of the outstanding members of the staff of the Senate and commend their dedication, cooperation, excellent work and willingness to serve the State.

Sometimes, days go by, and we are here long hours, lengthy Floor Sessions and long speeches. Sometimes, we arduously wait around to see what will happen next. Sometimes, what happens next is not very exciting. We are appreciative of the beyond-professional work and the talented team we have in the Senate. It is a testament to this institution and all of the people who continue to come here and serve. I could not do any of this without any of you. While we may not thank

you every day, we do feel thankful for you. Today, thank you all for being wonderful to work with.

SENATOR SETTELMEYER:

Sometimes we talk about how the staff that has backed you has made you. Thank you for all you do to make us look good. You are always there with bright, smiling faces, and I honestly do not know how because sometimes our faces are not so bright, nor are we smiling. You are helping us and ensuring everything runs smooth and goes right on the board. If something goes wrong, you all easily fix it. You keep us on track. I do not know how you herd this many kittens. Thank you.

Resolution adopted unanimously.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Assembly Bills Nos. 241, 355, 441 be taken from their position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 37.

Bill read third time.

The following amendment was proposed by Senator Scheible:

Amendment No. 787.

SUMMARY—Revises provisions relating to the enforcement of obligations for the support of children. (BDR 3-301)

AN ACT relating to the support of children; defining certain terms and revising certain definitions relating to the support of children; requiring the reporting and withholding of lump sum payments by income payers under certain circumstances; revising provisions relating to the amount of income that may be withheld from an obligor; making various changes relating to the withholding of income by income payers; authorizing the imposition of certain penalties on income payers who commit certain improper acts relating to lump sum payments; expressly authorizing the assignment of money from certain lump sum payments; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) requires an employer, person or other entity to withhold and deliver income of an obligor to an enforcing authority for the support of a child under certain circumstances; and (2) sets forth certain procedures for the enforcement of such withholdings and deliveries. (Chapter 31A of NRS) Section 4 of this bill defines the term "income payer" to mean any employer, person or other entity required to withhold and deliver the income of an obligor to an enforcing authority. Section 3 of this bill defines the term "employer" to mean a person or entity that employs an obligor as an employee or independent contractor. Sections 11-19, 21, 22 and 24-27 of this bill make various changes based on those definitions.

Existing law defines "income" to include: (1) wages, salaries, bonuses and commissions; (2) any money from certain other persons or entities from which support may be withheld; (3) any other money due as a pension,

unemployment compensation, a benefit because of disability or retirement, or as a return of contributions and interest; and (4) any compensation of an independent contractor. (NRS 31A.016) Section 9 of this bill revises the definition of "income" to expressly include a lump sum payment. Section 5 of this bill defines the term "lump sum payment."

Section 7 of this bill requires certain income payers who are subject to a notice to withhold income of an obligor to inform the enforcing authority before making a lump sum payment of \$150 or more to an obligor. Section 7 requires the income payer to inform the enforcing authority at least 10 days before the income payer intends to release the lump sum payment to the obligor. Section 7 additionally requires the enforcing authority, within 10 days after receiving such information, to provide the income payer with a written notice from the Division of Welfare and Supportive Services of the Department of Health and Human Services specifying the amount of the lump sum payment that the income payer must withhold and deliver to the enforcing authority, if any. Section 7 also provides the manner in which the written notice must be sent to the income payer and obligor and authorizes the obligor to contest the written notice. Finally, section 7 prohibits the income payer from releasing the lump sum payment to the obligor before: (1) the date that the income payer intends to release the lump sum payment; or (2) the 11th day after providing the information regarding the lump sum payment or the date that the income payer receives the written notice, whichever is earlier. Section 6 of this bill defines the term "written notice."

Existing law sets forth certain penalties that may be imposed on an employer who wrongfully refuses to withhold income, refuses or intentionally fails to deliver money to the enforcing authority or knowingly misrepresents the income of an employee. (NRS 31A.095, 31A.120) Sections 16 and 18 of this bill authorize a court to impose such penalties on an income payer who refuses to withhold money from a lump sum payment or refuses or intentionally fails to deliver money from a lump sum payment to an enforcing authority.

Existing law: (1) provides immunity from civil liability to an employer who complies with a notice to withhold income; (2) discharges the liability of an employer to an obligor for the portion of the income affected by compliance with a notice to withhold income; and (3) provides immunity from civil liability to an enforcing authority for any money withheld before the implementation of a stay on an order to withhold income. (NRS 31A.100) Section 17 of this bill extends such immunity to and discharges the liability of an income payer who complies with a written notice concerning a lump sum payment.

Existing law prescribes the amount of income that may be withheld from an obligor and places certain restrictions on the total amount that may be withheld. (NRS 31A.030) Existing law provides that: (1) not more than 50 percent of the disposable earnings of an employee may be withheld if the employee is supporting another spouse or child; or (2) not more than 60 percent of the disposable earnings of the employee may be withheld if the employee is

not supporting another spouse or child. Existing law further provides that an additional 5 percent of the disposable earnings of the employee may be withheld if payments for support are more than 12 weeks in arrears. (15 U.S.C. § 1673; NRS 31.295) Section 10 of this bill applies such restrictions on the total amount of income that may be withheld to all obligors, regardless of whether the obligor is employed as an employee or is an independent contractor and regardless of whether the income qualifies as disposable earnings of the obligor. Thus, section 10 provides that the amount of income withheld from any obligor must not exceed: (1) 50 percent, if the obligor is supporting another child or spouse, or 60 percent, if the obligor is not supporting another child or spouse; or (2) 55 percent or 65 percent, respectively, if the obligor has been in arrears for more than 12 weeks. Section 2 of this bill defines the term "disposable earnings." Sections 12 and 23 of this bill make conforming changes to reflect the calculation of income that may be withheld.

Existing law requires: (1) the State Treasurer to collect a fee of \$2 for each withholding of income made by an employer; and (2) an employer to deduct such a fee from the income of the obligor. (NRS 31A.075, 31A.080) Sections 13 and 14 of this bill make various changes related to the deduction of the fee by an income payer.

Existing law requires: (1) person or entity for whom support is being collected to notify the enforcing authority by certified mail, return receipt requested, of a change of address; and (2) an order for an assignment to be served on an employer by certified mail, return receipt requested. (NRS 31A.140, 31A.280) Sections 19 and 24 of this bill require the documents to be sent by first-class mail or electronically.

Existing law authorizes the withholding and assignment of certain money due to an obligor that is paid periodically or in lump sums. (NRS 31A.150, 31A.330) Sections 20 and 27 of this bill expressly authorize the withholding and assignment of money from certain lump sum payments.

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

Section 1. Chapter 31A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *"Disposable earnings" has the meaning ascribed to it in NRS 31.295.*

Sec. 3. *"Employer" means a person or entity that employs an obligor as an employee or independent contractor.*

Sec. 4. *"Income payer" means any employer, person or other entity required to withhold and deliver income pursuant to NRS 31A.025 to 31A.190, inclusive, and section 7 of this act.*

Sec. 5. *"Lump sum payment" means:*

1. *A commission;*
2. *A discretionary or nondiscretionary bonus;*
3. *A productivity or performance bonus;*

4. Profit sharing;
5. A referral or sign-on bonus;
6. An incentive payment for moving or relocation;
7. An attendance award;
8. A safety award;
9. A cash payment award;
10. Termination pay; ~~and~~
11. Severance pay; ~~and~~
12. Any other one-time, unscheduled or irregular payment of compensation.

Sec. 6. "Written notice" means the notice issued pursuant to subsection 3 of section 7 of this act.

Sec. 7. 1. An income payer who has received a notice to withhold income which includes a provision for the payment of arrears shall inform the enforcing authority before making a lump sum payment to the obligor that is \$150 or more.

2. The information provided by the income payer pursuant to subsection 1 must be:

(a) On a form prescribed by the Division of Welfare and Supportive Services; and

(b) Submitted to the enforcing authority at least 10 days before the date that the income payer intends to release the lump sum payment to the obligor.

3. Within 10 days after receiving the form described in subsection 2, the enforcing authority shall provide the income payer with a written notice from the Division of Welfare and Supportive Services specifying the amount of the lump sum payment to be withheld and delivered to the enforcing authority.

4. The income payer shall not release the lump sum payment before:

(a) The date that the income payer intends to release the lump sum payment; or

(b) The 11th day after submitting the form described in subsection 2 or the date that the written notice is received by the income payer, whichever is earlier.

5. The written notice is binding on the income payer and must be sent by the enforcing authority to:

(a) The last known address of the obligor by first-class mail; and

(b) The income payer by first-class mail or electronically.

6. An obligor may contest a written notice in the same manner as described in NRS 31A.050.

Sec. 8. NRS 31A.010 is hereby amended to read as follows:

31A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 31A.012 to 31A.021, inclusive, and sections 2 to 6, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 9. NRS 31A.016 is hereby amended to read as follows:

31A.016 "Income" includes, but is not limited to:

1. Wages, ~~and~~ salaries ~~[-]~~, bonuses and commissions ~~[-]~~, *regardless of the frequency of payment*;

2. Any money from which support may be withheld pursuant to NRS 31A.150 or 31A.330;

3. Any other money due as a pension, unemployment compensation, a benefit because of disability or retirement, or as a return of contributions and interest; ~~and~~

4. *Any lump sum payments; and*

5. Any compensation of an independent contractor ~~[-]~~, *including, without limitation, any compensation described in subsections 1 to 4, inclusive, as applicable.*

Sec. 10. NRS 31A.030 is hereby amended to read as follows:

31A.030 Except as otherwise provided in NRS 31A.024:

1. ~~[The]~~ *Except as otherwise provided in subsection 2, the amount of income to be withheld pursuant to NRS 31A.025 to 31A.190, inclusive, ~~must be calculated in accordance with NRS 31.295~~ and section 7 of this act must include:*

(a) The amount of the current support due plus:

(1) An amount equal to 10 percent of the amount of the current periodic or other payment ordered for support, to be applied to satisfy arrearages, if any; or

(2) If the court has previously ordered the payment of arrearages in a specified manner, the amount so ordered;

(b) If the obligor is subject to a court order for the payment of current support which is not being collected pursuant to this chapter and the enforcing authority is entitled to collect any arrearages, an amount equal to 25 percent of the amount of the payment ordered for current support, to be applied to satisfy the arrearages; or

(c) If the child is emancipated, arrearages as provided in NRS 125B.100, until the arrearages are paid in full.

2. *The amount of income withheld must be calculated in accordance with the percentages set forth in NRS 31.295, regardless of whether the income qualifies as disposable earnings.*

3. If two or more court orders for the withholding of income are being enforced against the same obligor, the amount available from withholding must be allocated among those persons entitled to it pursuant to those orders:

(a) Giving priority to an obligation for current support; and

(b) Except as otherwise provided in paragraph (a), in the proportion that the amount owed any one person bears to the total amount owed to all persons entitled to withholding pursuant to those orders.

Sec. 11. NRS 31A.040 is hereby amended to read as follows:

31A.040 1. The enforcing authority shall notify an obligor who is subject to the withholding of income by first-class mail to the obligor's last known address:

(a) That the obligor's income is being withheld;

- (b) Of the amount of any arrearages;
- (c) Of the amount being withheld from the obligor's income to pay current support and the amount being withheld to pay any arrearages;
- (d) That a notice to withhold income applies to any current or subsequent ~~employer;~~ *income payer*;
- (e) That a notice to withhold income of the obligor has been mailed to the ~~obligor's employer;~~ *income payer of the obligor*;
- (f) Of the information provided to the ~~obligor's employer~~ *income payer of the obligor* pursuant to NRS 31A.070;
- (g) That the obligor may contest the withholding; and
- (h) Of the grounds and procedures for contesting the withholding.

2. The provisions of this section are applicable only to an obligor against whom there is entered an order of a kind described in subsection 4 of NRS 31A.025.

Sec. 12. NRS 31A.070 is hereby amended to read as follows:

31A.070 1. The enforcing authority shall mail, by first-class mail, a notice to withhold income to an ~~obligor's employer;~~ *income payer of an obligor*:

(a) If the provisions of subsection 4 of NRS 31A.025 apply, immediately upon determining that the obligor is delinquent in the payment of support; or

(b) If the provisions of subsection 4 of NRS 31A.025 do not apply, immediately upon the entry of the order of support, unless an exception set forth in paragraph (a) or (b) of subsection 1 of NRS 31A.025 applies.

2. If an ~~employer~~ *income payer* of an obligor does not begin to withhold income from the obligor after receiving the notice to withhold income that was mailed pursuant to subsection 1, the enforcing authority shall mail, by certified mail, return receipt requested, another notice to withhold income to the ~~employer;~~ *income payer*.

3. A notice to withhold income may be issued electronically and must:

- (a) Contain the social security number of the obligor;
- (b) Specify the amount to be withheld from the income of the obligor;
- (c) Specify the amounts of the fees authorized in NRS 31A.090 and required in NRS 31A.075;
- (d) Describe the limitation for withholding income prescribed in ~~NRS 31.295;~~ *subsection 2 of NRS 31A.030*;
- (e) Describe the prohibition against terminating the employment of an obligor because of withholding, *if applicable*, and the penalties for wrongfully refusing to withhold pursuant to the notice to withhold income;
- (f) Specify that, pursuant to NRS 31A.160, the withholding of income to enforce an order of a court for child support has priority over other proceedings against the same money; and
- (g) Explain the duties of an ~~employer~~ *income payer* upon the receipt of the notice to withhold income.

Sec. 13. NRS 31A.075 is hereby amended to read as follows:

31A.075 1. The State Treasurer shall charge an obligor a fee of \$2 for each withholding of income for the payment of support made by an ~~employer~~ *income payer* pursuant to this chapter, except that the fee must not be charged to an obligor more than two times during any month.

2. All such fees received by the State Treasurer from ~~employers~~ *income payers* pursuant to NRS 31A.080 must be accounted for separately in the State General Fund.

3. The account created pursuant to subsection 2 must be administered by the Administrator of the Division of Welfare and Supportive Services. The money in the account must be distributed among each enforcing authority pursuant to regulations adopted by the Administrator of the Division of Welfare and Supportive Services pursuant to NRS 425.365.

Sec. 14. NRS 31A.080 is hereby amended to read as follows:

31A.080 1. An ~~employer~~ *income payer* who receives a notice to withhold income shall:

~~{1.}~~ (a) Withhold the amount stated in the notice from the income due the obligor beginning with the first ~~pay period~~ *payment* that occurs within 14 days after the date the notice was ~~mailed~~ *sent* to the ~~employer~~ *income payer* and continuing until the enforcing authority notifies the ~~employer~~ *income payer* to discontinue the withholding; and

~~{2.}~~ (b) Deliver the money withheld to the enforcing authority within 7 days after the date of ~~each~~ *payment* . ~~{of the regularly scheduled payroll of the employer;}~~

~~—3.}~~ 2. *An income payer who receives a written notice or a notice to withhold income shall:*

(a) Deduct from the income due the obligor after the withholding , ~~{pursuant to subsection 1,}~~ the fee set forth in NRS 31A.075;

~~{4.}~~ (b) Deliver to the State Treasurer, at least quarterly, all money deducted as fees pursuant to ~~{subsection 3,}~~ *paragraph (a); and*

~~{5. — Notify}~~

(c) *If applicable, notify the enforcing authority and the State Treasurer when the obligor subject to withholding terminates the obligor's employment, and provide the last known address of the obligor and the name of any new employer of the obligor, if known.*

Sec. 15. NRS 31A.090 is hereby amended to read as follows:

31A.090 1. A *written notice or a notice to withhold income* is binding upon any ~~employer~~ *income payer* of an obligor . ~~{to whom it is mailed.}~~

2. To reimburse the ~~employer~~ *income payer* for the ~~employer's~~ costs of the *income payer* in making ~~the~~ *a* withholding, the ~~employer~~ *income payer* may deduct \$3 from the amount paid the obligor each time the ~~employer~~ *income payer* makes a withholding.

~~{2.}~~ 3. Except as otherwise provided in subsection ~~{3,}~~ 4, if an ~~employer~~ *income payer* receives *written notices or notices to withhold income* for more

than one ~~{employee,}~~ obligor, the ~~{employer,}~~ income payer may consolidate the amounts of money that are payable to:

- (a) The enforcing authority and pay those amounts with one check; and
 - (b) The State Treasurer and pay those amounts with one check,
- ➔ but the ~~{employer,}~~ income payer shall attach to each check a statement identifying by name and social security number each obligor for whom payment is made and the amount transmitted for that obligor.

~~{3.}~~ 4. If the provisions of NRS 353.1467 apply, the ~~{employer,}~~ income payer shall make payment to the enforcing authority or the State Treasurer, as applicable, by way of any method of electronic transfer of money allowed by the enforcing authority or the State Treasurer. If an ~~{employer,}~~ income payer has 50 or more employees, the ~~{employer,}~~ income payer shall make payment to the Division of Welfare and Supportive Services by way of any method of electronic transfer of money allowed by the Division. If an ~~{employer,}~~ income payer makes payment by way of electronic transfer of money pursuant to this subsection, the ~~{employer,}~~ income payer shall transmit separately the name and appropriate identification number, if any, of each obligor for whom payment is made and the amount transmitted for that obligor.

~~{4.}~~ 5. An ~~{employer,}~~ income payer shall cooperate with and provide relevant information to an enforcing authority as necessary to enable it to enforce an obligation of support. A disclosure made in good faith pursuant to this subsection does not give rise to any action for damages resulting from the disclosure.

~~{5.}~~ 6. As used in this section, "electronic transfer of money" has the meaning ascribed to it in NRS 353.1467.

Sec. 16. NRS 31A.095 is hereby amended to read as follows:

31A.095 1. If an ~~{employer,}~~ income payer:

(a) Wrongfully refuses to withhold income as required pursuant to NRS 31A.025 to 31A.190, inclusive, *and section 7 of this act* after receiving a notice to withhold income that was sent by certified mail pursuant to subsection 2 of NRS 31A.070 ~~{;} or a written notice;~~

(b) Refuses or intentionally fails to deliver to the enforcing authority any money required pursuant to NRS 31A.080 ~~{;} or section 7 of this act;~~ or

(c) Knowingly misrepresents the income of an ~~{employee,}~~ obligor,

➔ the enforcing authority may apply for and the court may issue an order directing the ~~{employer,}~~ income payer to appear and show cause why the ~~{employer,}~~ income payer should not be subject to the penalty prescribed in subsection 2 of NRS 31A.120.

2. At the hearing on the order to show cause, the court, upon a finding that the ~~{employer,}~~ income payer wrongfully refused to withhold income as required, refused or intentionally failed to deliver money to the enforcing authority as required or knowingly misrepresented ~~{an employee's}~~ the income ~~{;} of an obligor:~~

(a) May order the ~~{employer}~~ *income payer* to comply with the requirements of NRS 31A.025 to 31A.190, inclusive ~~{;}~~, *and section 7 of this act*;

(b) May order the ~~{employer}~~ *income payer* to provide accurate information concerning the ~~{employee's}~~ income ~~{;}~~ *of the obligor*;

(c) May fine the ~~{employer}~~ *income payer* pursuant to subsection 2 of NRS 31A.120; and

(d) Shall require the ~~{employer}~~ *income payer* to pay the amount the ~~{employer}~~ *income payer* failed or refused to withhold from the obligor's income or refused or intentionally failed to deliver to the enforcing authority.

Sec. 17. NRS 31A.100 is hereby amended to read as follows:

31A.100 1. An ~~{employer}~~ *income payer* who complies with a *written notice or* notice to withhold income that is regular on its face may not be held liable in any civil action for any conduct taken in compliance with the notice.

2. Compliance by an ~~{employer}~~ *income payer* with a *written notice or* notice to withhold income is a discharge of the ~~{employer's}~~ liability *of the income payer* to the obligor as to that portion of the income affected.

3. If a court issues an order to stay a withholding of income, the enforcing authority may not be held liable in any civil action to the obligor for any money withheld before the stay becomes effective.

Sec. 18. NRS 31A.120 is hereby amended to read as follows:

31A.120 1. It is unlawful for an employer to use the withholding of income to collect an obligation of support as a basis for refusing to hire a potential ~~{employee,}~~ *obligor*, discharging the ~~{employee}~~ *obligor* or taking disciplinary action against the ~~{employee,}~~ *obligor*. Any employer who violates this section shall hire or reinstate the ~~{employee}~~ *obligor* with no loss of pay or benefits, is liable for any payments of support not withheld and shall be fined \$1,000. If an ~~{employee}~~ *obligor* prevails in an action based on this section, the employer is liable, in an amount not less than \$2,500, for payment of the ~~{employee's}~~ costs and attorney's fees incurred *by the obligor* in that action.

2. If an ~~{employer,}~~ *income payer*:

(a) Wrongfully refuses to withhold from the income of an obligor as required pursuant to NRS 31A.025 to 31A.190, inclusive ~~{;}~~, *and section 7 of this act*;

(b) Refuses or intentionally fails to deliver to the enforcing authority any money required pursuant to NRS 31A.080 ~~{;}~~ *or section 7 of this act*; or

(c) Knowingly misrepresents the income of the ~~{employee,}~~ *obligor*,
 ➔ the ~~{employer}~~ *income payer* shall pay the amount the ~~{employer}~~ *income payer* refused to withhold or refused or intentionally failed to deliver to the enforcing authority and may be ordered to pay punitive damages to the person to whom support is owed in an amount not to exceed \$1,000 for each ~~{pay period,}~~ *payment* the ~~{employer}~~ *income payer* failed to withhold income as required, refused or intentionally failed to deliver money to the enforcing

authority as required or knowingly misrepresented the income of the ~~employee.~~ obligor.

Sec. 19. NRS 31A.140 is hereby amended to read as follows:

31A.140 1. A person or other entity for whom support is being collected pursuant to NRS 31A.025 to 31A.190, inclusive, *and section 7 of this act* shall notify the enforcing authority of a change of address within a reasonable time after the change. The notice must be ~~in writing and~~ sent by ~~certified mail, return receipt requested.~~ *first-class mail or electronically.*

2. If payments are not deliverable for 3 consecutive months because of the failure of a person or other entity for whom payment of support has been withheld to notify the enforcing authority of a change of address, no further payments may be made and all payments not delivered must be returned to the obligor. The enforcing authority shall notify the ~~employer~~ *income payer* to discontinue withholding.

Sec. 20. NRS 31A.150 is hereby amended to read as follows:

31A.150 ~~1.~~ Money may be withheld for the support of a child pursuant to NRS 31A.025 to 31A.190, inclusive, *and section 7 of this act* from any money:

~~1.~~ 1. Due to:

~~(1)~~ (a) The obligor as a pension, an annuity, unemployment compensation, a benefit because of disability, retirement or other cause or any other benefit;

~~(2)~~ (b) The obligor as a return of contributions and interest; or

~~(3)~~ (c) Some other person because of the death of the obligor,

↪ from the State, a political subdivision of the State or an agency of either, a public trust, corporation or board or a system for retirement, disability or annuity established by any person or a statute of this or any other state, whether the money is payable periodically or in a lump sum ~~;~~ ~~or~~

~~—(b)~~ *regardless of the frequency of payment;*

2. Due to the obligor as a judgment, a settlement or the prize from any contest or lottery, from any person or other entity, ~~whether the money is payable periodically or in a lump sum.~~

~~2. When a certified copy of a notice to withhold income is delivered by certified mail, return receipt requested, to a person or other entity described in subsection 1, the person or other entity must comply with the request and pay to the enforcing authority the amounts withheld as required in the notice to withhold income.~~ *regardless of the frequency of payment; or*

3. *Due to the obligor as a lump sum payment.*

Sec. 21. NRS 31A.180 is hereby amended to read as follows:

31A.180 If an order for support on which a notice to withhold income is based is amended or modified, the enforcing authority shall, upon receipt of a certified copy of the amendment or modification, notify the ~~employer~~ *income payer* of the obligor to modify the amount to be withheld accordingly.

Sec. 22. NRS 31A.190 is hereby amended to read as follows:

31A.190 An obligor may voluntarily have the payment for support

withheld from the obligor's income by filing a request and a certified copy of the order for support with the enforcing authority. The enforcing authority shall send a notice to withhold income to the ~~{obligor's employer,}~~ *income payer of the obligor*, and the ~~{employer}~~ *income payer* shall withhold and pay the amount as required in the notice.

Sec. 23. NRS 31A.270 is hereby amended to read as follows:

31A.270 NRS 31A.160 applies to all assignments of income pursuant to NRS 31A.250 to 31A.330, inclusive. The assignment:

1. Must be calculated in accordance with *the percentages set forth in NRS 31.295* ~~{ }~~, *regardless of whether the income qualifies as disposable earnings.*

2. May include the amount of the current support due and a payment on the arrearages if previously ordered by a court of competent jurisdiction.

Sec. 24. NRS 31A.280 is hereby amended to read as follows:

31A.280 1. An order for an assignment issued pursuant to NRS 31A.250 to 31A.330, inclusive, operates as an assignment and is binding upon any existing or future ~~{employer}~~ *income payer* of an obligor upon whom a copy of the order is served by ~~{certified}~~ *first-class* mail ~~{, return receipt requested,}~~ *or electronically*. The order may be modified or revoked at any time by the court.

2. To enforce the obligation for support, the ~~{employer}~~ *income payer* shall cooperate with and provide relevant information concerning the ~~{obligor's employment}~~ *obligor* to the person entitled to the support or that person's legal representative. A disclosure made in good faith pursuant to this subsection does not give rise to any action for damages for the disclosure.

3. If the order for support is amended or modified, the person entitled to the payment of support or that person's legal representative shall notify the ~~{employer}~~ *income payer* of the obligor to modify the amount to be withheld accordingly.

4. To reimburse the ~~{employer}~~ *income payer* for the ~~{employer's}~~ costs incurred by the *income payer* in making the payment pursuant to the assignment, the ~~{employer}~~ *income payer* may deduct \$3 from the amount paid to the obligor each time the ~~{employer}~~ *income payer* makes a payment.

5. If an ~~{employer}~~ *income payer* wrongfully refuses to honor an assignment or knowingly misrepresents the income of an ~~{employee,}~~ *obligor*, the court, upon request of the person entitled to the support or that person's legal representative, may enforce the assignment in the manner provided in NRS 31A.095 for the enforcement of the withholding of income.

6. Compliance by an ~~{employer}~~ *income payer* with an order of assignment operates as a discharge of the ~~{employer's}~~ liability of the *income payer* to the ~~{employee}~~ *obligor* as to that portion of the ~~{employee's}~~ income of the *obligor* affected.

Sec. 25. NRS 31A.290 is hereby amended to read as follows:

31A.290 An employer may not use assignments of income for payments to collect an obligation of support as a basis for the discharge of an ~~{employee}~~

obligor or for disciplinary action against the ~~{employee}~~ *obligor*. An employer who discharges or disciplines an ~~{employee}~~ *obligor* in violation of this section shall reinstate the ~~{employee}~~ *obligor* with no loss of pay or benefits, is liable for any payments of support not paid and shall be fined \$1,000. If an ~~{employee}~~ *obligor* prevails in an action for reinstatement based on this section, the employer is liable, in an amount of not less than \$2,500, for payment of the ~~{employee's}~~ costs and attorney's fees incurred *by the obligor* in that action.

Sec. 26. NRS 31A.310 is hereby amended to read as follows:

31A.310 1. The person or other entity to whom support is ordered to be paid by assignment of income shall notify the court and the ~~{employer}~~ *income payer* of the obligor, by any form of mail requiring a return receipt, of any change of address within a reasonable time after that change.

2. If the ~~{employer}~~ *income payer* or the legal representative of the person entitled to the payment for support is unable to deliver payments as required pursuant to NRS 31A.250 to 31A.330, inclusive, within 3 months because of the failure of the person entitled to the support to notify the ~~{employer}~~ *income payer* or the person's legal representative of a change of address, the ~~{employer}~~ *income payer* or legal representative shall not make any further payments pursuant to the assignment and shall return all undeliverable payments to the ~~{employee}~~ *obligor*.

Sec. 27. NRS 31A.330 is hereby amended to read as follows:

31A.330 1. Money may be withheld for the support of a child pursuant to NRS 31A.250 to 31A.330, inclusive, from any ~~{money}~~ :

(a) *Money due to:*

~~{(a)}~~ (1) The obligor as a pension, an annuity, unemployment compensation, a benefit because of disability, retirement or other cause;

~~{(b)}~~ (2) The obligor as a return of contributions and interest; or

~~{(c)}~~ (3) Some other person because of the death of the obligor,
 ➔ from the State of Nevada, a political subdivision of the State of Nevada or an agency of either, a public trust, corporation or board or a system for retirement, disability or annuity established by a statute of this state ~~{-}~~ ; or

(b) *Money due to an obligor as a lump sum payment.*

2. When a ~~{certified}~~ copy of any order of assignment is served by ~~{certified}~~ first-class mail ~~{, return receipt requested,}~~ or electronically on any person or entity described in subsection 1, other than the Federal Government, ~~{it}~~ the person or entity must comply with any request for a return of ~~{employee contributions}~~ the income by an ~~{employee}~~ *obligor* named in the order by paying the ~~{contributions}~~ income to the person entitled to the payment of support or that person's legal representative unless the *person or entity described in subsection 1* has received a ~~{certified}~~ copy of an order terminating the order of assignment. A court may not directly or indirectly condition the issuance, modification or termination of, or condition the terms or conditions of, any order for the support of a child upon the issuance of such a request by an ~~{employee}~~ *obligor*.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 787 to Assembly Bill No. 37 clarifies that the definition of "lump sum payment" includes one-time, unscheduled or irregular payment of compensation. That "income" includes bonuses and commissions, regardless of the frequency of the payment.

Amendment adopted.

Bill read third time.

Remarks by Senators Scheible and Pickard.

SENATOR SCHEIBLE:

Assembly Bill No. 37 revises the definition of "income" for purposes related to enforcement of child-support obligations to expressly include a lump-sum payment and prohibits income payers from releasing a lump-sum payment to an obligor before certain criterion are met. The bill requires the reporting and withholding of lump-sum payments by income payers under certain circumstances. A court is authorized to impose penalties on an income payer who refuses to withhold money or intentionally fails to deliver money from a lump-sum payment to an enforcing authority. An income payer who complies with a written notice concerning a lump-sum payment is granted immunity and any liability is discharged. Restrictions are applied on the total amount of income that may be withheld to all obligors, and various changes are made to an income payer's deduction of the fee that is required by the State Treasurer.

SENATOR PICKARD:

I would like to express appreciation to the Division. This is my area of practice and what I do day to day. When I recognized a gap in the language, they were quick to understand and adopt the language we suggested. The Chair of the Committee was also quick to adopt the amendment. This is going to be a bill of importance to the Division because it will increase their abilities to obtain payments by the obligors for the children they are supposed to be paying for and will increase the amount of federal funds coming to the Division because they will be able to do better in their statistics. I urge your support of Assembly Bill No. 37.

Roll call on Assembly Bill No. 37:

YEAS—21.

NAYS—None.

Assembly Bill No. 37 having received a two-thirds majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 219.

Bill read third time.

Senator Cannizzaro moved that the bill be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assembly Bill No. 280.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 843.

SUMMARY—Revises provisions relating to public restrooms.
(BDR 54-132)

AN ACT relating to public restrooms; requiring places of public accommodation, public buildings and facilities owned by a public body, certain areas leased by or on behalf of a public body and certain leased areas within a state park that provide a single-stall restroom to the public to make the single-stall restroom as inclusive and accessible as possible to a person of any gender identity or expression; revising provisions relating to the signage for such single-stall restrooms; requiring certain governmental entities to include in their building codes or, if applicable, adopt by ordinance a requirement that certain buildings and facilities used by the public that contain a single-stall restroom which is available to the public be as inclusive and accessible as possible to a person of any gender identity or expression and prohibiting certain signage on such restrooms; providing a penalty; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that all persons are entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation, without discrimination or segregation on the ground of race, color, religion, national origin, disability, sexual orientation, sex or gender identity or expression. (NRS 651.070) Existing law provides that a place of public accommodation means any establishment or place to which the public is invited or which is intended for public use, including, without limitation, inns, hotels, motels, restaurants, bars, gasoline stations, theaters, convention centers, bakeries, grocery stores, laundromats, museums, libraries, parks, zoos, nurseries, private schools or universities, day care centers, senior citizen centers, gymnasiums, health spas and bowling alleys. (NRS 651.050) If such a place of public accommodation provides a single-stall restroom to the public, section 1 of this bill requires the single-stall restroom to be as inclusive and accessible as possible to a person of any gender identity or expression, including, without limitation, by allowing: (1) a parent or guardian of a child to enter the single-stall restroom with the child; (2) a person with a disability to enter the single-stall restroom with his or her caregiver, if applicable; and (3) a person of any gender identity or expression to use the single-stall restroom as needed. Section 1: (1) prohibits the owner or operator of the place of public accommodation from labeling the single-stall restroom with signage that indicates the restroom is for a specific gender; and (2) authorizes the labeling of the single-stall restroom as available for use by any person, including, without limitation, by posting a sign which reads "All-Gender Bathroom" or "All-Accessible Bathroom." Section 1 provides that a single-stall restroom is a restroom that: (1) is intended for individual use; and (2) contains a single toilet or a single urinal or contains both a toilet and a urinal ~~that~~, neither of which is separated from the other by enclosure within a stall. Finally, sections 1 and 6.5 of this bill provide that the provisions of sections 1 and 6.5 do not establish a private right of action or authorize the filing of a complaint with the Nevada Equal Rights Commission.

Sections 2, 3 and 15 of this bill make conforming changes relating to the applicability of section 1 and the placement of section 1 in the Nevada Revised Statutes. Section 4 of this bill provides that any person who deprives, interferes with or punishes another person for accessing such single-stall restrooms is guilty of a misdemeanor. ~~[Section 5 of this bill provides that any person who deprives, interferes with or punishes another person for accessing such single-stall restrooms is liable to the person whose access is affected for actual damages that are recoverable by a civil action.]~~ Section 6 of this bill authorizes any county or incorporated city of this State to adopt a local ordinance that prohibits an infringement of a person's rights, privileges or access to such single-stall restrooms. ~~[In addition to these changes, section 1 allows any person who believes he or she has been denied full and equal use of a single-stall restroom because of discrimination or segregation to file a complaint to that effect with the Nevada Equal Rights Commission. (NRS 651.110)]~~

Section 9 of this bill requires each county, city and any other governmental entity that adopts a building code, including school districts in larger counties, to include in its respective building code a requirement that any single-stall restroom made available to the public and contained in a permanent building or facility used by the public and that is constructed on or after October 1, 2021, comply with provisions relating to the inclusivity and accessibility and signage of single-stall restrooms that are identical to the provisions that apply to places of public accommodations in section 1. Section 9 provides that if a county or city has no building code, the county or city is required to adopt such requirements by ordinance. Sections 7, 8 and 10 of this bill make conforming changes relating to the applicability of the requirements contained in section 9 as well as the placement of section 9 in the Nevada Revised Statutes.

Sections 11 and 12 of this bill also make provisions relating to the inclusivity and accessibility and signage of single-stall restrooms that are identical to the provisions that apply to places of public accommodations in section 1 apply to: (1) a public building or facility owned by a public body that provides a single-stall restroom to the public; and (2) an area leased by or on behalf of a public body and used primarily to provide a service to the public and certain leased areas within a state park. Section 12 provides that a contract for such a leased area that does not satisfy these requirements which is entered into on or after October 1, 2021, is void and unenforceable. Section 13 of this bill makes a conforming change relating to the placement of section 12 in the Nevada Revised Statutes. Section 14 of this bill authorizes a person to report a violation of section 12 to the Attorney General, who is required to notify the public body responsible for the alleged violation. If the public body fails to comply with the provisions of section 12, section 14 requires the Attorney General to take such action as is necessary to ensure compliance.

Section 15.5 of this bill provides that sections 4, 5 and 14, which are the enforcement provisions of this bill, do not become effective until February 1, 2022.

Section 15.2 of this bill makes an appropriation to the Division of State Parks of the State Department of Conservation and Natural Resources for the costs of replacement signage and mounting hardware at restrooms in state parks.

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

Section 1. Chapter 651 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The owner or operator of a place of public accommodation that provides a single-stall restroom to the public shall make the single-stall restroom as inclusive and accessible as possible to a person of any gender identity or expression, including, without limitation, by allowing:*

(a) *A parent or guardian of a child to enter the single-stall restroom with the child;*

(b) *A person with a disability to enter the single-stall restroom with his or her caregiver, if applicable; and*

(c) *A person of any gender identity or expression to use the single-stall restroom as needed.*

2. *The owner or operator of a place of public accommodation that provides a single-stall restroom to the public:*

(a) *Shall not label the single-stall restroom with gendered signage; and*

(b) *May label the single-stall restroom as available for use by any person, including, without limitation, by posting a sign that reads "All-Gender Bathroom" or "All-Accessible Bathroom."*

3. *The provisions of this section do not:*

(a) Establish a private right of action against an owner or operator described in subsection 1; or

(b) Authorize the filing of a complaint with the Nevada Equal Rights Commission,

↪ for a violation of the provisions of this section.

4. *As used in this section:*

(a) *"Caregiver" has the meaning ascribed to it in NRS 449A.306.*

(b) *"Gendered signage" means any sign posted on a single-stall restroom that uses words or images of a person to denominate sex.*

(c) *"Single-stall restroom" means a restroom that:*

(1) *Is intended for individual use; and*

(2) *Contains:*

(I) *A single toilet or a single urinal; or*

(II) *A toilet and a urinal ~~for~~, neither of which is separated from the other by enclosure within a stall.*

Sec. 2. NRS 651.060 is hereby amended to read as follows:

651.060 The provisions of NRS 651.050 to 651.110, inclusive, and section 1 of this act do not apply to any private club or other establishment not in fact open to the public, except to the extent that the facilities of such

establishment are made available to the customers or patrons of an establishment within the scope of NRS 651.050.

Sec. 3. NRS 651.065 is hereby amended to read as follows:

651.065 1. Notwithstanding any provision of NRS 651.050 to 651.110, inclusive, *and section 1 of this act*, it is not unlawful and is not a ground for a civil action for any place of public accommodation to offer differential pricing, discounted pricing or special offers based on sex to promote or market the place of public accommodation.

2. As used in this section, "place of public accommodation" has the meaning ascribed to it in NRS 651.050.

Sec. 4. NRS 651.080 is hereby amended to read as follows:

651.080 1. Any person is guilty of a misdemeanor who:

(a) Withholds, denies, deprives or attempts to withhold, deny or deprive any other person of any right, ~~[or]~~ *privilege or access* secured by NRS 651.070 or 651.075 ~~[;]~~ *or section 1 of this act*;

(b) Intimidates, threatens, coerces or attempts to threaten, intimidate or coerce any other person for the purpose of interfering with any right, ~~[or]~~ *privilege or access* secured by NRS 651.070 or 651.075 ~~[;]~~ *or section 1 of this act*; or

(c) Punishes or attempts to punish any other person for exercising or attempting to exercise any right, ~~[or]~~ *privilege or access* secured by NRS 651.070 or 651.075 ~~[;]~~ *or section 1 of this act*.

2. A prosecution for violation of a local ordinance authorized by NRS 651.100 is a bar to any prosecution pursuant to this section.

Sec. 5. ~~[NRS 651.090 is hereby amended to read as follows:~~

~~651.090 1. Any person who:~~

~~(a) Withholds, denies, deprives or attempts to withhold, deny or deprive any other person of any right, [or] privilege or access secured by NRS 651.070 or 651.075 [;] or section 1 of this act;~~

~~(b) Intimidates, threatens, coerces or attempts to threaten, intimidate or coerce any other person for the purpose of interfering with any right, [or] privilege or access secured by NRS 651.070 or 651.075 [;] or section 1 of this act; or~~

~~(c) Punishes or attempts to punish any other person for exercising or attempting to exercise any right, [or] privilege or access secured by NRS 651.070 or 651.075 [;] or section 1 of this act;~~

~~** is liable to the person whose rights pursuant to NRS 651.070 or 651.075 or section 1 of this act are affected for actual damages, to be recovered by a civil action in a court in and for the county in which the infringement of civil rights occurred or in which the defendant resides.~~

~~2. In an action brought pursuant to this section, the court may:~~

~~(a) Grant any equitable relief it considers appropriate, including temporary, preliminary or permanent injunctive relief, against the defendant.~~

~~(b) Award costs and reasonable attorney's fees to the prevailing party.]~~

(Deleted by amendment.)

Sec. 6. NRS 651.100 is hereby amended to read as follows:

651.100 Any county or incorporated city of this state may adopt a local ordinance prohibiting infringement of the rights , ~~for~~ privileges or access secured by NRS 651.070 or 651.075 ~~for~~ or section 1 of this act, but such an ordinance must not apply to any establishment outside the scope of NRS 651.050 and 651.060 or impose a penalty more severe than that provided by NRS 651.075 or 651.080. A prosecution pursuant to NRS 651.075 or 651.080 is a bar to any prosecution pursuant to an ordinance authorized by this section.

Sec. 6.5. NRS 651.110 is hereby amended to read as follows:

651.110 ~~(Any)~~

1. Except as otherwise provided in subsection 2, any person who believes he or she has been denied full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation because of discrimination or segregation based on race, color, religion, national origin, disability, sexual orientation, sex or gender identity or expression may file a complaint to that effect with the Nevada Equal Rights Commission.

2. A complaint may not be filed with the Nevada Equal Rights Commission for a violation of section 1 of this act.

Sec. 7. NRS 244.3675 is hereby amended to read as follows:

244.3675 Subject to the limitations set forth in NRS 244.368, 278.02315, 278.580, 278.582, 278.584, 278.586, 444.340 to 444.430, inclusive, and 477.030, and section 9 of this act, the boards of county commissioners within their respective counties may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the county.

2. Adopt any building, electrical, housing, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, these fees do not apply to the State of Nevada or the Nevada System of Higher Education.

Sec. 8. NRS 268.413 is hereby amended to read as follows:

268.413 Subject to the limitations contained in NRS 244.368, 278.02315, 278.580, 278.582, 278.584, 278.586, 444.340 to 444.430, inclusive, and 477.030, and section 9 of this act, the city council or other governing body of an incorporated city may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the city.

2. Adopt any building, electrical, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, those fees do not apply to the State of Nevada or the Nevada System of Higher Education.

Sec. 9. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each county, city and any other governmental entity that adopts a

building code shall include in its respective building code a requirement that any single-stall restroom made available to the public which is contained in a permanent building or facility used by the public that is constructed on or after October 1, 2021, be as inclusive and accessible as possible to a person of any gender identity or expression, including, without limitation, by allowing:

(a) A parent or guardian of a child to enter the single-stall restroom with the child;

(b) A person with a disability to enter the single-stall restroom with his or her caregiver, if applicable; and

(c) A person of any gender identity or expression to use the single-stall restroom as needed.

➡ *The owner or operator of such a permanent building or facility that contains a single-stall restroom which is available to the public shall not label the single-stall restroom with gendered signage, but may label the single-stall restroom as available for use by any person, including, without limitation, by posting a sign that reads "All-Gender Bathroom" or "All-Accessible Bathroom."*

2. *If a county or a city has no building code, it shall adopt by ordinance a requirement that any single-stall restroom made available to the public which is contained in a permanent building or facility used by the public that is constructed on or after October 1, 2021, be as inclusive and accessible as possible as provided in subsection 1.*

3. *The provisions of this section apply, without limitation, to any school district for which a building code is adopted pursuant to subsection 2 of NRS 393.110.*

4. *As used in this section:*

(a) "Caregiver" has the meaning ascribed to it in NRS 449A.306.

(b) "Gendered signage" means any sign posted on a single-stall restroom that uses words or images of a person to denominate sex.

(c) "Single-stall restroom" means a restroom that:

(1) Is intended for individual use; and

(2) Contains:

(I) A single toilet or a single urinal; or

(II) A toilet and a urinal ~~that~~, neither of which is separated from the other by enclosure within a stall.

Sec. 10. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, and section 9 of this act, unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 11. NRS 338.180 is hereby amended to read as follows:

338.180 1. The Legislature of the State of Nevada declares that:

(a) The primary purpose of this section is to provide, subject to the limitations set forth in this section, for the removal and elimination of architectural barriers to persons with a physical handicap in public buildings

and facilities designed after July 1, 1973, in order to encourage and facilitate the employment of persons with a physical handicap and to make public buildings accessible to and usable by persons with a physical handicap; and

(b) It is the intent of the Legislature that insofar as possible all buildings and facilities used by the public be accessible to, and functional for, persons with a physical handicap, without loss of function, space or facility where the general public is concerned.

2. All plans and specifications for the construction of public buildings and facilities owned by a public body must, after July 1, 1973, provide facilities and features for persons with a physical handicap so that buildings which are normally used by the public are constructed with entrance ramps, toilet facilities, drinking fountains, doors and public telephones accessible to and usable by persons with a physical handicap. In addition, all plans and specifications for the construction or alteration of public buildings and facilities owned by a public body must comply with the applicable requirements of the:

(a) Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations;

(b) Minimum Guidelines and Requirements for Accessible Design, 36 C.F.R. §§ 1190.1 et seq.; and

(c) Fair Housing Act, 42 U.S.C. § 3604, and the regulations adopted pursuant thereto.

↪ The requirements of paragraph (a) of this subsection are not satisfied if the plans and specifications comply solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

3. All public bodies shall, in the design, construction and alteration of public buildings and facilities comply with the applicable requirements of the:

(a) Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations;

(b) Minimum Guidelines and Requirements for Accessible Design, 36 C.F.R. §§ 1190.1 et seq.; and

(c) Fair Housing Act, 42 U.S.C. § 3604, and the regulations adopted pursuant thereto.

↪ The requirements of paragraph (a) of this subsection are not satisfied if the public body complies solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

4. In each public building and facility owned by a public body, each entrance to a corridor which leads to a toilet facility must be marked with a sign which:

(a) Conforms to the requirements related to signage contained in §§ 4.30 et seq. of the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations; and

(b) Uses symbols, raised letters and Braille to:

(1) Identify the toilet facility and the gender of persons who may use the toilet facility; and

(2) If the toilet facility is for the exclusive use of persons of one gender:

(I) Indicate that the toilet facility is for the exclusive use of persons of that gender; and

(II) Provide direction to a toilet facility that may be used by persons of the other gender.

5. *A public body that owns a public building or facility which provides a single-stall restroom to the public shall make the single-stall restroom as inclusive and accessible as possible to a person of any gender identity or expression, including, without limitation, by allowing:*

(a) A parent or guardian of a child to enter the single-stall restroom with the child;

(b) A person with a disability to enter the single-stall restroom with his or her caregiver, if applicable; and

(c) A person of any gender identity or expression to use the single-stall restroom as needed.

➡ *The public body that owns the public building or facility which provides a single-stall restroom to the public shall not label the single-stall restroom with gendered signage and may label the single-stall restroom as available for use by any person, including, without limitation, by posting a sign which reads "All-Gender Bathroom" or "All-Accessible Bathroom."*

6. The Division shall verify that all public buildings and facilities owned by the State of Nevada conform with the requirements of this section. Each political subdivision shall verify that all public buildings and facilities owned by the political subdivision conform with the requirements of this section.

~~{6.}~~ 7. A person may report a violation of this section to the Attorney General.

~~{7.}~~ 8. Upon receiving a report pursuant to subsection ~~{6.}~~ 7, the Attorney General shall notify the public body responsible for the alleged violation. Not later than 30 days after receiving such a notification, the public body shall:

(a) Present evidence to the Attorney General that it is in compliance with this section; or

(b) Begin any action necessary to comply with the requirements of this section and notify the Attorney General of the date on which it will be in compliance with those requirements.

~~{8.}~~ 9. If the public body responsible for the alleged violation fails to comply with this section, the Attorney General shall take such action as is necessary to ensure compliance with this section, including, without limitation, commencing proceedings in a court of competent jurisdiction, if appropriate.

10. The provisions of this section do not:

(a) Establish a private right of action against a public body described in subsection 5 or 6; or

(b) Authorize the filing of a complaint with the Nevada Equal Rights Commission,

↪ for a violation of the provisions of subsection 5.

11. As used in this section:

(a) "Caregiver" has the meaning ascribed to it in NRS 449A.306.

(b) "Gendered signage" means any sign posted on a single-stall restroom that uses words or images of a person to denominate sex.

(c) "Single-stall restroom" means a restroom that:

(1) Is intended for individual use; and

(2) Contains:

(I) A single toilet or a single urinal; or

(II) A toilet and a urinal ~~and~~, neither of which is separated from the other by enclosure within a stall.

Sec. 12. Chapter 444 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The owner or operator of an area that is leased by or on behalf of a public body and is used primarily to provide a service to the public and which provides a single-stall restroom to the public, or such a leased area that is part of a complex of leased areas that provides a single-stall restroom to the public within the common area of the complex, must make the single-stall restroom as inclusive and accessible as possible to a person of any gender identity or expression, including, without limitation, by allowing:

(a) A parent or guardian of a child to enter the single-stall restroom with the child;

(b) A person with a disability to enter the single-stall restroom with his or her caregiver, if applicable; and

(c) A person of any gender identity or expression to use the single-stall restroom as needed.

2. The owner or operator of the leased area that provides a single-stall restroom to the public:

(a) Shall not label the single-stall restroom with gendered signage; and

(b) May label the single-stall restroom as available for use by any person, including, without limitation, by posting a sign that reads "All-Gender Bathroom" or "All-Accessible Bathroom."

3. The provisions of this section apply to such a leased area within a state park that provides a single-stall restroom to the public.

4. A contract for such a leased area that does not satisfy the requirements of this section which is entered into on or after October 1, 2021, is void and unenforceable.

5. The provisions of this section do not:

(a) Establish a private right of action against an owner or operator described in subsection 1; or

(b) Authorize the filing of a complaint with the Nevada Equal Rights Commission.

↪ for a violation of the provisions of this section.

6. As used in this section:

(a) "Caregiver" has the meaning ascribed to it in NRS 449A.306.

(b) "Gendered signage" means any sign posted on a single-stall restroom that uses words or images of a person to denominate sex.

(c) "Single-stall restroom" means a restroom that:

(1) Is intended for individual use; and

(2) Contains:

(I) A single toilet or a single urinal; or

(II) A toilet and a urinal ~~that~~, neither of which is separated from the other by enclosure within a stall.

Sec. 13. NRS 444.047 is hereby amended to read as follows:

444.047 As used in this section and NRS 444.048 and 444.049 ~~that~~ and section 12 of this act, unless the context otherwise requires, "public body" means a governmental body of the State of Nevada, including, without limitation, an agency, department, division or political subdivision of the State of Nevada, or a local governmental body, including, without limitation, a county, city, municipality, township, school district or quasi-municipal corporation.

Sec. 14. NRS 444.049 is hereby amended to read as follows:

444.049 1. A person may report a violation of NRS 444.048 or section 12 of this act to the Attorney General of the State of Nevada.

2. Upon receiving a report pursuant to subsection 1, the Attorney General shall notify the public body responsible for the alleged violation. Not later than 30 days after receiving such notification, the public body shall:

(a) Present evidence to the Attorney General that it is in compliance with NRS 444.048 ~~that~~ or section 12 of this act; or

(b) Begin any action necessary to comply with the requirements of NRS 444.048 or section 12 of this act and notify the Attorney General of the date on which it will be in compliance with those requirements.

3. If the public body fails to comply with NRS 444.048 ~~that~~ or section 12 of this act, the Attorney General shall take such action as is necessary to ensure compliance with NRS 444.048 ~~that~~ or section 12 of this act, including, without limitation, commencing proceedings in a court of competent jurisdiction, if appropriate.

Sec. 15. NRS 447.135 is hereby amended to read as follows:

447.135 1. Each owner, lessor, lessee or operator of a public

accommodation shall mark each entrance to a corridor in the public accommodation which leads to a toilet facility with a sign which:

(a) Conforms to the requirements related to signage contained in §§ 4.30 et seq. of the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations; and

(b) Uses symbols, raised letters and Braille to ~~to~~ , *except as otherwise provided in section 1 of this act*:

(1) Identify the toilet facility and the gender of persons who may use the toilet facility; and

(2) If the toilet facility is for the exclusive use of persons of one gender:

(I) Indicate that the toilet facility is for the exclusive use of persons of that gender; and

(II) Provide direction to a toilet facility that may be used by persons of the other gender.

2. A person may report a violation of subsection 1 to the Attorney General.

3. Upon receiving a report pursuant to subsection 2, the Attorney General shall notify the owner, lessor, lessee or operator of the public accommodation of the alleged violation. Not later than 30 days after receiving such a notification, the owner, lessor, lessee or operator of the public accommodation shall:

(a) Present evidence to the Attorney General that the public accommodation is in compliance with subsection 1; or

(b) Begin any action necessary to comply with the requirements of subsection 1 and notify the Attorney General of the date on which the public accommodation will be in compliance with those requirements.

4. If the owner, lessor, lessee or operator of the public accommodation fails to comply with subsection 1, the Attorney General shall take such action as is necessary to ensure compliance with subsection 1, including, without limitation, commencing proceedings in a court of competent jurisdiction, if appropriate.

5. As used in this section, "public accommodation" has the meaning ascribed to it in 42 U.S.C. § 12181.

Sec. 15.2. 1. There is hereby appropriated from the State General Fund to the Division of State Parks of the State Department of Conservation and Natural Resources the sum of \$40,320 for the costs of replacement signage and mounting hardware for restrooms in state parks to comply with the provisions of this bill.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated

or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 15.5. 1. This section and section 15.2 of this act become effective upon passage and approval.

2. Sections 1, 2, 3, 6 to 13, inclusive, and 15 of this act become effective on October 1, 2021.

3. Sections 4, 5 and 14 of this act become effective on February 1, 2022.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 843 makes two changes to Assembly Bill No. 280. The amendment revises the definition of "single-stall restroom" throughout the bill, and it removes provisions authorizing a private right of action and the right to file a complaint with the Nevada Equal Rights Commission.

Amendment adopted.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 280 requires that any single-stall restroom located in a place of public accommodation be as inclusive and accessible as possible to a person of any gender identity or expression. The bill also requires each county, city and any other governmental entity that adopts a building code to include a requirement that any single-stall restroom made available to the public that is constructed on or after October 1, 2021, be as inclusive and accessible as possible to a person of any gender identity or expression. The bill prohibits the owner or operator of a place of public accommodation from labeling a single-stall restroom with signage that indicates the restroom is for a specific gender and, instead, authorizes the labeling of the single-stall restroom as available for use by any person.

Further, the measure authorizes a person to report a violation committed by a public body to the Attorney General, who is required to take the necessary action to ensure compliance. Finally, the bill appropriates \$40,320 from the State General Fund to the Division of State Parks of the Department of Conservation and Natural Resources to replace signage on restroom stalls throughout the State Parks system.

Roll call on Assembly Bill No. 280:

YEAS—15.

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

Assembly Bill No. 280 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 349.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 861.

SUMMARY—Revises provisions governing motor vehicles. (BDR 43-58)

AN ACT relating to motor vehicles; revising provisions that govern an owner of an Old Timer vehicle, classic rod or classic car, including providing that such vehicles are exempt from the provisions governing the control of emissions from engines as long as they are not used for general transportation and further providing that such vehicles which are used for general transportation shall not

be issued special license plates, except in certain situations, and instead must comply with the provisions governing the control of emissions from engines; ~~authorizing [approved inspectors to work at any authorized inspection station, authorized station or any class of fleet station or multiple locations of such stations; authorizing]~~ the Department of Motor Vehicles to ~~[establish a remote sensing system to test the emissions from motor vehicles operating in certain counties;]~~ impose by regulation a fee of not more than \$2 for the issuance and renewal of a license to inspect motor vehicles and devices for the control of pollution for certain additional locations; exempting a new motor vehicle from emissions testing for the first 3 years of the life of the motor vehicle and then requiring that emissions testing be conducted on new motor vehicles annually after the fourth registration of the motor vehicle; ~~[requiring the State Environmental Commission to provide for issuing certain waivers to the owner of a motor vehicle who performs repairs on the motor vehicle under certain circumstances;]~~ requiring certain fees charged for certain electronic monitoring programs to be equal in amount to the fee charged for forms certifying emission control compliance; authorizing certain boards of county commissioners to impose an additional fee for certain actions ; requiring the Department to collect the additional fee on behalf of the county and distribute to the county any money obtained as a result of the additional fee; requiring any money received from such an additional fee to be used by the county to support certain programs that seek to reduce emissions from a motor vehicle; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes special license plates and registration certificates to be issued to residents of Nevada for antique motor vehicles that qualify as Old Timer vehicles, classic rods or classic vehicles. (NRS 482.381, 482.3814, 482.3816) Existing law provides that such vehicles are exempt from certain regulations governing exhaust emissions, fuel evaporative emissions and visible emissions of smoke from certain engines if the owner of the vehicle certifies to the Department of Motor Vehicles that the vehicle was not driven more than 5,000 miles during the immediately preceding year. (NRS 445B.760) Sections 1, 3 and 4 of this bill provide that such motor vehicles must not be used for general transportation, defined as being driven more than 5,000 miles during the immediately preceding year, but may be used for club activities, exhibitions, tours, parades or similar activities and for such other uses as are necessary for the operation and maintenance of the vehicle. Sections 1, 3 and 4 provide that such motor vehicles not used for general transportation are exempt from the provisions governing the control of emissions from engines and that, if the owner of such a motor vehicle elects to use the motor vehicle for general transportation, he or she: (1) shall not be issued special license plates or a registration certificate; and (2) must comply with the provisions governing the control of emissions from engines. Existing law requires that such vehicles being used for general transportation and required to comply with the provisions governing the control of emissions

from engines which fail the emissions test shall not be issued the special license plates for a period of 90 days after failing the emissions test. (NRS 482.2655) Sections 1, 3 and 4 provide that this 90-day period is an exception to the prohibition for issuing a special license plate to a vehicle that is used for general transportation.

Sections 1, 3 and 4 require for the issuance of special license plates and a registration certificate for an Old Timer vehicle, classic rod or classic vehicle that the motor vehicle must have proof satisfactory to the Department that the vehicle is covered by insurance that: (1) is designed or designated specifically for classic or antique vehicles; or (2) includes an endorsement that is designed or designated specifically for classic or antique vehicles.

Existing law provides that an approved inspector is a person who is licensed by the Department to inspect motor vehicles and devices for the control of pollution for an authorized station or authorized inspection station. (NRS 445B.705) ~~Existing law provides that: (1) an authorized inspection station is a station that is licensed to inspect vehicles and devices for emissions; and (2) an authorized station is a station that is licensed to inspect vehicles and devices for emissions and is also licensed to install, repair and adjust such devices. (NRS 445B.710, 445B.720) Existing regulations provide that for an authorized inspection station or a class 1 fleet station which only tests exhaust emissions to be licensed, the station must employ at least one: (1) class 1 approved inspector who is licensed only to test exhaust emissions; or (2) class 2 approved inspector who is licensed to test exhaust emissions and to diagnose, repair and service devices for the control of exhaust emissions. (NAC 445B.4096, 445B.4098, 445B.462) Existing regulations provide that for an authorized station or a class 2 fleet station which tests exhaust emissions and diagnoses, repairs and services devices for the control of exhaust emissions to be licensed, the station must employ at least one approved inspector who is licensed to test exhaust emissions and to diagnose, repair and service devices for the control of exhaust emissions. (NAC 445B.4096, 445B.4098, 445B.4099, 445B.462) Sections 6 and 7 of this bill require the regulations adopted by the State Environmental Commission and the Department for the licensing of such stations to authorize any approved inspector who is licensed: (1) only to test exhaust emissions to work at any authorized inspection station, any authorized station or any class of fleet station or multiple locations of such stations, provided that the approved inspector only tests exhaust emissions; and (2) to test exhaust emissions and to diagnose, repair and service devices for the control of exhaust emissions to work at any authorized inspection station, any authorized station or any class of fleet station or multiple locations of such stations.~~

~~Existing law authorizes the Department, in a county whose population is 100,000 or more (currently Clark and Washoe Counties), to conduct a test of the emissions from a motor vehicle which is being operated on a highway in that county to determine whether the vehicle complies with the emissions standards. (NRS 445B.798) Section 8 of this bill authorizes the Department,~~

~~in a county whose population is 100,000 or more, to establish a remote sensing system to test the emissions from a motor vehicle which is being operated on a highway in that county to determine whether the vehicle complies with the emissions standards. If the Department establishes such a remote sensing system, section 8 requires the Department to adopt regulations: (1) to carry out the remote sensing system; (2) that provide how a person may register to participate in the remote sensing system, including requiring the person to pay a fee; and (3) that allow for the collection of data from the remote sensing system for use by the Department and other agencies of this State.] Existing law requires the Department, in cooperation with the State Environmental Commission, to adopt regulations which provide for any fee, bond or insurance which is necessary to carry out the provisions governing the control of emissions from engines. (NRS 445B.785) Existing regulations establish a \$25 fee for the initial issuance and biennial renewal of an inspector's license. If an inspector who has paid the \$25 fee wishes to be licensed at one or more locations in addition to the location for which the initial license was issued, existing regulations provide that the fee for the issuance and biennial renewal of an inspector's license for each additional location is \$10. (NAC 445B.499) Section 7 of this bill caps the fee for the issuance and renewal of an inspector's license for each additional location at \$2.~~

Existing law requires the State Environmental Commission, in cooperation with the Department and any local air pollution control agency, to adopt regulations for the control of emissions from motor vehicles in areas designated by the Commission that are in any county whose population is 100,000 or more (currently Clark and Washoe Counties). (NRS 445B.770) Existing law also authorizes the Commission to exempt designated classes of motor vehicles, including classes based upon the year of manufacture of motor vehicles, from having to comply with the emissions standards. (NRS 445B.825) Existing regulations exempt new motor vehicles from compliance with emissions standards until the third registration of the vehicle, which is the first 2 years of the life of the motor vehicle. (NAC 445B.592) Section 9 of this bill exempts new motor vehicles from the test of emissions conducted by the Department until the fourth registration of the vehicle, which is the first 3 years of the life of the motor vehicle, and requires the Department to conduct the test annually after the fourth registration of the motor vehicle. Finally, section 9 makes a technical change to reference a federal regulation relating to the exemption afforded to hybrid electric vehicles. Sections 5 and 8 of this bill make conforming changes.

~~[Existing law requires the Commission to: (1) provide for a waiver from having to comply with the provisions governing the control of emissions from engines if compliance involves repair and equipment costs which exceed the limits set by the Commission; and (2) establish such limits in a manner which avoids unnecessary financial hardship to motor vehicle owners. (NRS 445B.825) Section 9 requires the Commission to provide for a waiver in such situations if the vehicle is repaired by the owner of the vehicle and~~

~~clarifies that such repairs include: (1) the owner purchasing parts for the repair of the vehicle; (2) the owner buying equipment for the repair of the vehicle; and (3) the owner performing labor for the repair of the vehicle.]~~

Existing law requires certain fees to be paid to the Department and accounted for in the Pollution Control Account where a program governing the control of emissions from engines is commenced. Existing law requires a fee of \$6 for each form issued to a fleet station. (NRS 445B.830) Existing law authorizes the Commission, in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to adopt regulations to establish a voluntary program of electronic monitoring of emission information from certain vehicles. Existing law requires the Department to charge an annual fee of \$6 for each vehicle electronically monitored in such a manner. (NRS 445B.767) Section 5.5 of this bill instead requires the Department to charge an annual fee that is equal in amount to the fee for each form issued to a fleet station.

Existing law requires a board of county commissioners, if the board is authorized to impose an additional fee for each form certifying emission control compliance, to ensure that 2 percent of any such fee is retained as a commission by the authorized station or authorized inspection station that performs the inspection pursuant to which the form certifying emission control compliance is issued. (NRS 445B.834) Section 10.5 of this bill authorizes the board of county commissioners for a county whose population is 100,000 or more (currently Clark and Washoe Counties) to impose by ordinance an additional fee for ~~[(1)]~~ each form certifying emission control compliance. ~~[(2)]~~ and (2) the issuance and annual renewal of a license for an authorized inspection station, authorized station or fleet station.] Section 10.5 requires a board that imposes such an additional fee to notify the Department for the purposes of collecting and distributing the fee. Section 10.3 of this bill requires the Department: (1) upon receiving such a notification, to collect the additional fee on behalf of the county; (2) to account separately for the additional fee in the Pollution Control Account; and (3) to make quarterly distributions to each applicable county of money equal to the amount of the additional fees that were collected on behalf of the county. Section 10.5 provides that, if such an additional fee is imposed, the board shall use the money received from the additional fee to support the programs of local air pollution control agencies to reduce emissions from a motor vehicle with at least 50 percent of such money being used to support the programs of local air pollution control agencies to reduce emissions from a motor vehicle for the benefit of historically underserved communities. Section 10.5 additionally removes a requirement that a board of county commissioners ensure that 2 percent of any such fee is retained as a commission by the authorized station or authorized inspection station that performs the inspection pursuant to which the form certifying emission control compliance is issued.

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

Section 1. NRS 482.381 is hereby amended to read as follows:

482.381 1. Except as otherwise provided in ~~{NRS 482.2655,}~~
subsection 4, the Department may issue special license plates and registration
certificates to residents of Nevada for any motor vehicle which ~~{is}~~ :

(a) Is a model manufactured more than 40 years before the date of
application for registration pursuant to this section ~~{;}~~ ; and

(b) Has proof satisfactory to the Department that the vehicle is covered by
insurance that meets the requirements of NRS 485.185 and that:

(1) Is designed or designated specifically for a classic or antique vehicle;

or

(2) Includes an endorsement designed or designated specifically for
classic or antique vehicles.

2. Except as otherwise provided in *subsection 4*, any vehicle issued special
license plates and a registration certificate pursuant to *subsection 1* shall not
be used for general transportation but may be used for:

(a) Club activities, exhibitions, tours, parades or similar activities; and

(b) Such other uses that are necessary for the operation and maintenance
of the vehicle.

3. A vehicle that complies with *subsection 2* is exempt from the provisions
of NRS 445B.770 to 445B.815, inclusive.

4. If the owner of the vehicle elects to use the vehicle for general
transportation, he or she:

(a) Except as otherwise provided in NRS 482.2655, shall not be issued
special license plates and a registration certificate pursuant to *subsection 1*;
and

(b) Shall comply with the provisions of NRS 445B.770 to 445B.815,
inclusive.

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

~~{3.}~~ 6. The Nevada Old Timer Club members shall bear the cost of the
dies for carrying out the provisions of this section.

~~{4.}~~ 7. The Department shall charge and collect the following fees for the
issuance of these license plates, which fees are in addition to all other license
fees and applicable taxes:

(a) For the first issuance..... \$35

(b) For a renewal sticker \$10

~~{5.}~~ 8. In addition to the fees required pursuant to *subsection 4*, the
Department shall charge and collect a fee for the first issuance of the license
plates for those motor vehicles exempted pursuant to ~~{paragraph (b) of
subsection 1 of NRS 445B.760}~~ *subsection 3* from the provisions of
NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal
to the amount of the fee for a form certifying emission control compliance set
forth in paragraph (c) of *subsection 1* of NRS 445B.830.

~~{6,}~~ 9. Fees paid to the Department pursuant to subsection ~~{5}~~ 8 must be accounted for in the Pollution Control Account created by NRS 445B.830 and distributed in accordance with subsection 6 of NRS 445B.830.

10. As used in this section, "general transportation" means a vehicle that is:

(a) Driven more than 5,000 miles during the immediately preceding year;
or

(b) Used in any capacity for commercial purposes.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 482.3814 is hereby amended to read as follows:

482.3814 1. Except as otherwise provided in ~~{NRS 482.2655,}~~ subsection 4, the Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less; ~~and~~

(b) Manufactured not earlier than 1949, but at least 20 years before the application is submitted to the Department ~~{,}~~; and

(c) Having proof satisfactory to the Department that the vehicle is covered by insurance that meets the requirements of NRS 485.185 and that:

(1) Is designed or designated specifically for a classic or antique vehicle;

or

(2) Includes an endorsement designed or designated specifically for classic or antique vehicles.

2. Except as otherwise provided in subsection 4, any vehicle issued special license plates and a registration certificate pursuant to subsection 1 shall not be used for general transportation but may be used for:

(a) Club activities, exhibitions, tours, parades or similar activities; and

(b) Such other uses that are necessary for the operation and maintenance of the vehicle.

3. A vehicle that complies with subsection 2 is exempt from the provisions of NRS 445B.770 to 445B.815, inclusive.

4. If the owner of the vehicle elects to use the vehicle as general transportation, he or she:

(a) Except as otherwise provided in NRS 482.2655, shall not be issued special license plates and a registration certificate pursuant to subsection 1; and

(b) Shall comply with the provisions of NRS 445B.770 to 445B.815, inclusive.

5. Except as otherwise provided in subsection ~~{3,}~~ 6, license plates issued pursuant to this section must be inscribed with the words "CLASSIC ROD" and a number of characters, including numbers and letters, as determined necessary by the Director.

~~{3,}~~ 6. A person may request personalized prestige license plates issued pursuant to NRS 482.3667 instead of a special license plate issued pursuant to

subsection ~~{2}~~ 5 if that person pays the fees for the personalized prestige license plates in addition to the fees required pursuant to this section.

~~{4.}~~ 7. If, during a registration year, the holder of special plates issued pursuant to subsection ~~{2}~~ 5 or ~~{3}~~ 6 disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

~~{5.}~~ 8. The fee for the special license plates is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is \$10.

~~{6.}~~ 9. In addition to the fees required pursuant to subsection ~~{5.}~~ 8, the Department shall charge and collect a fee for the first issuance of the special license plates for those motor vehicles exempted pursuant to ~~paragraph (b) of subsection 1 of NRS 445B.760~~ subsection 3 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

~~{7.}~~ 10. Fees paid to the Department pursuant to subsection ~~{6}~~ 9 must be accounted for in the Pollution Control Account created by NRS 445B.830 and distributed in accordance with subsection 6 of NRS 445B.830.

11. As used in this section, "general transportation" means a vehicle that is:

(a) Driven more than 5,000 miles during the immediately preceding year; or

(b) Used in any capacity for commercial purposes.

Sec. 4. NRS 482.3816 is hereby amended to read as follows:

482.3816 1. Except as otherwise provided in ~~{NRS 482.2655,}~~ subsection 4, the Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less;

(b) Manufactured at least 25 years before the application is submitted to the Department; ~~and~~

(c) Containing only the original parts which were used to manufacture the vehicle or replacement parts that duplicate those original parts ~~{ }~~; and

(d) Having proof satisfactory to the Department that the vehicle is covered by insurance that meets the requirements of NRS 485.185 and that:

(1) Is designed or designated specifically for a classic or antique vehicle;

or

(2) Includes an endorsement designed or designated specifically for classic or antique vehicles.

2. *Except as otherwise provided in subsection 4, any vehicle issued special license plates and a registration certificate pursuant to subsection 1 shall not be used for general transportation but may be used for:*

- (a) Club activities, exhibitions, tours, parades or similar activities; and*
- (b) Such other uses that are necessary for the operation and maintenance of the vehicle.*

3. *A vehicle that complies with subsection 2 is exempt from the provisions of NRS 445B.770 to 445B.815, inclusive.*

4. *If the owner of the vehicle elects to use the vehicle as general transportation, he or she:*

(a) Except as otherwise provided in NRS 482.2655, shall not be issued special license plates and a registration certificate pursuant to subsection 1; and

(b) Shall comply with the provisions of NRS 445B.770 to 445B.815, inclusive.

5. Except as otherwise provided in subsection ~~{3,}~~ 6, license plates issued pursuant to this section must be inscribed with the words "CLASSIC VEHICLE" and a number of characters, including numbers and letters, as determined necessary by the Director.

~~{3,}~~ 6. A person may request personalized prestige license plates issued pursuant to NRS 482.3667 instead of a special license plate issued pursuant to subsection ~~{2}~~ 5 if that person pays the fees for the personalized prestige license plates in addition to the fees required pursuant to this section.

~~{4,}~~ 7. If, during a registration period, the holder of special plates issued pursuant to subsection ~~{2}~~ 5 or ~~{3}~~ 6 disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

~~{5,}~~ 8. The fee for the special license plates is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is \$10.

~~{6,}~~ 9. In addition to the fees required pursuant to subsection ~~{5,}~~ 8, the Department shall charge and collect a fee for the first issuance of the special license plates for those motor vehicles exempted pursuant to ~~paragraph (b) of subsection 1 of NRS 445B.760~~ subsection 3 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

~~{7,}~~ 10. Fees paid to the Department pursuant to subsection ~~{6,}~~ 9 must be accounted for in the Pollution Control Account created by NRS 445B.830 and distributed in accordance with subsection 6 of NRS 445B.830.

11. As used in this section, "general transportation" means a vehicle that is:

(a) Driven more than 5,000 miles during the immediately preceding year; or

(b) Used for any capacity for commercial purposes.

Sec. 5. NRS 482.461 is hereby amended to read as follows:

482.461 1. ~~[[1]]~~ Except as otherwise provided in subsection 3 of NRS 445B.825, if the test conducted pursuant to NRS 445B.798 indicates that a motor vehicle which is registered in a county whose population is 100,000 or more does not comply with the provisions of NRS 445B.700 to 445B.845, inclusive, and the regulations adopted pursuant thereto, the Department shall mail to the registered owner of the vehicle a notice that the vehicle has failed the test.

2. The notice must include:

(a) The information set forth in subsection 3;

(b) A written statement which contains the results of the test conducted pursuant to NRS 445B.798; and

(c) Any other information the Department deems necessary.

3. The Department shall rescind and cancel the registration of any motor vehicle which fails the test conducted pursuant to NRS 445B.798, unless within 30 days after the notice is mailed by the Department pursuant to subsection 2, the registered owner of the vehicle:

(a) Has the vehicle inspected by an authorized station or authorized inspection station to determine whether the vehicle complies with the provisions of NRS 445B.700 to 445B.845, inclusive, and the regulations adopted pursuant thereto; and

(b) Provides to the Department evidence of compliance issued by the authorized station or authorized inspection station certifying that the vehicle complies with the provisions of NRS 445B.700 to 445B.845, inclusive, and the regulations adopted pursuant thereto.

4. The registered owner of the vehicle shall pay the cost of the inspection required pursuant to subsection 3.

5. As used in this section:

(a) "Authorized inspection station" has the meaning ascribed to it in NRS 445B.710.

(b) "Authorized station" has the meaning ascribed to it in NRS 445B.720.

Sec. 5.5. NRS 445B.767 is hereby amended to read as follows:

445B.767 1. In any county whose population is 100,000 or more, the Commission may, in cooperation with the Department of Motor Vehicles and any local air pollution control agency, adopt regulations to establish a voluntary program of electronic monitoring of emission information, from vehicles equipped with onboard diagnostic equipment that permits such monitoring, for the purposes of compliance with this chapter.

2. The Department of Motor Vehicles shall charge an annual fee ~~for \$61~~ that is equal in amount to the fee imposed pursuant to paragraph (c) of

subsection 1 of NRS 445B.830 for each vehicle electronically monitored pursuant to subsection 1. Fees collected by the Department pursuant to this section must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 6. ~~NRS 445B.775 is hereby amended to read as follows:~~

~~445B.775 1. The regulations adopted by the Commission pursuant to NRS 445B.770 must establish requirements by which the Department of Motor Vehicles may license:~~

~~[1.] (a) Authorized inspection stations, including criteria by which any person may become qualified to inspect devices for the control of emissions for motor vehicles. The regulations adopted by the Commission pursuant to NRS 445B.770 must provide that a facility licensed as an authorized inspection station:~~

~~[(a)] (I) Except as otherwise provided in [paragraph (b)], subparagraph (2), may not, unless specifically authorized by the Commission, install, repair, diagnose or adjust any component or system of a motor vehicle that affects exhaust emissions;~~

~~[(b)] (2) May perform the following activities in connection with a motor vehicle:~~

~~[(1)] (I) The changing of oil;~~

~~[(2)] (II) The replacing of an oil filter, air filter, fuel filter, belt or hose; and~~

~~[(3)] (III) The servicing of a fuel injection system using methods approved by the Division of Environmental Protection of the State Department of Conservation and Natural Resources.~~

~~[2.] (b) Authorized stations, including criteria by which any person may become qualified to inspect, repair, adjust and install devices for the control of emissions for motor vehicles.~~

~~2. The regulations adopted by the Commission pursuant to NRS 445B.770 must authorize any approved inspector who is licensed by the Department of Motor Vehicles:~~

~~(a) Only to test exhaust emissions to work at any authorized inspection station, authorized station or any class of fleet station or multiple locations of such stations. Such an inspector shall not diagnose, repair or service devices for the control exhaust emissions at any such station;~~

~~(b) To test exhaust emissions and diagnose, repair and service devices for the control of exhaust emissions to work at any authorized inspection station, authorized station or any class of fleet station or multiple locations of such stations.~~ (Deleted by amendment.)

Sec. 7. NRS 445B.785 is hereby amended to read as follows:

445B.785 1. The Department of Motor Vehicles shall, in cooperation with the Commission, adopt regulations which:

(a) Prescribe requirements for licensing authorized inspection stations, authorized stations and fleet stations. The regulations adopted pursuant to this

paragraph must provide that a facility licensed as an authorized inspection station:

(1) Except as otherwise provided in subparagraph (2), may not, unless specifically authorized by the Commission, install, repair, diagnose or adjust any component or system of a motor vehicle that affects exhaust emissions.

(2) May perform the following activities in connection with a motor vehicle:

(I) The changing of oil;

(II) The replacing of an oil filter, air filter, fuel filter, belt or hose; and

(III) The servicing of a fuel injection system using methods approved by the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

(b) Prescribe the manner in which authorized inspection stations, authorized stations and fleet stations inspect motor vehicles and issue evidence of compliance.

(c) Prescribe the diagnostic equipment necessary to perform the required inspection. The regulations must ensure that:

(1) The equipment complies with any applicable standards of the United States Environmental Protection Agency; and

(2) Use of the equipment is specifically authorized by the Commission.

(d) Provide for any fee, bond or insurance which is necessary to carry out the provisions of NRS 445B.700 to 445B.815, inclusive.

(e) Provide for the issuance of a pamphlet for distribution to owners of motor vehicles. The pamphlet must contain information explaining the reasons for and the methods of the inspections.

2. The Department of Motor Vehicles shall issue a copy of the regulations to each authorized inspection station, authorized station and fleet station.

3. ~~*If an approved inspector who has paid a fee for the initial issuance of a license to inspect motor vehicles and devices for the control of pollution wishes to be licensed at one or more locations in addition to the location for which the initial issuance of the license was applicable, the regulations adopted by the Department of Motor Vehicles pursuant to this section must authorize any approved inspector who is licensed by the Department of Motor Vehicles:*~~

~~*(a) Only to test exhaust emissions to work at any authorized inspection station, authorized station or any class of fleet station or multiple locations of such stations. Such an inspector shall not diagnose, repair or service devices for the control exhaust emissions at any such station.*~~

~~*(b) To test exhaust emissions and diagnose, repair and service devices for the control of exhaust emissions to work at any authorized inspection station, authorized station or any class of fleet station or multiple locations of such stations. not impose a fee greater than \$2 for the issuance and renewal of the license for each additional location.*~~

Sec. 8. NRS 445B.798 is hereby amended to read as follows:

445B.798 ~~In~~

~~1.] Notwithstanding subsection 3 of NRS 445B.825, [and except as otherwise provided in subsection 2,] in a county whose population is 100,000 or more, the Department of Motor Vehicles may conduct a test of the emissions from a motor vehicle which is being operated on a highway in that county to determine whether the vehicle complies with the provisions of NRS 445B.700 to 445B.845, inclusive, and the regulations adopted pursuant thereto.~~

~~[2. As an alternative to the test of the emissions authorized to be conducted pursuant to subsection 1, in a county whose population is 100,000 or more, the Department of Motor Vehicles may establish a remote sensing system to test the emissions from a motor vehicle which is being operated on a highway in that county to determine whether the vehicle complies with the provisions of NRS 445B.700 to 445B.845, inclusive, and the regulations adopted pursuant thereto. If the Department of Motor Vehicles establishes a remote sensing system pursuant to this subsection, the Department of Motor Vehicles shall adopt regulations:~~

~~— (a) As necessary for carrying out the remote sensing system, including, without limitation, the implementation and enforcement of the remote sensing system and the control of quality assurance of the remote sensing system;~~

~~— (b) That provide the procedure for a person to register to participate in the remote sensing system, including, without limitation, requiring the person to pay a fee that is equivalent to any fee charged by the Department of Motor Vehicles for conducting a test of the emissions from a motor vehicle pursuant to subsection 1; and~~

~~— (c) That allow for the collection of data from the remote sensing system. The Department of Motor Vehicles and any other agency of this State may use the data collected from the remote sensing system, so long as the information of a person who participates in the remote sensing system is not disclosed to the public.~~

~~3. As used in this section, "remote sensing system" means an emissions profiling system that uses remote sensing devices (RSD) on a highway in a county whose population is 100,000 or more to identify the emissions from a motor vehicle.]~~

Sec. 9. NRS 445B.825 is hereby amended to read as follows:

445B.825 1. The Commission may provide for exemption from the provisions of NRS 445B.770 to 445B.815, inclusive, of designated classes of motor vehicles, including, without limitation, classes based upon the year of manufacture of motor vehicles.

2. A hybrid electric vehicle, as defined in 40 C.F.R. § [86.1702-99,] 86.1803-01, is exempt from the provisions of NRS 445B.770 to 445B.815, inclusive, until the model year of the vehicle is 6 years old.

3. A new motor vehicle is exempt from the test conducted pursuant to NRS 445B.798 and the provisions of NRS 445B.770 to 445B.815, inclusive, until the fourth registration of the motor vehicle. If the Department of Motor Vehicles conducts a test pursuant to NRS 445B.798, the Department of Motor Vehicles shall conduct the test pursuant to NRS 445B.798 to determine

whether the motor vehicle complies with the provisions of NRS 445B.700 to 445B.845, inclusive, and the regulations adopted pursuant thereto, annually after the fourth registration of the motor vehicle.

4. The Commission shall provide for a waiver from the provisions of NRS 445B.770 to 445B.815, inclusive, if ~~compliance~~ ~~for~~

~~(a) Compliance involves repair and equipment costs which exceed the limits established by the Commission. The Commission shall establish the limits in a manner which avoids unnecessary financial hardship to motor vehicle owners. for or~~

~~(b) The following applies:~~

~~(1) Compliance involves repair and equipment costs which exceed the limits established by the Commission; and~~

~~(2) The vehicle is repaired by the owner of the vehicle. Such repairs by the owner of the vehicle include, without limitation:~~

~~(I) The owner purchasing parts for the repair of the vehicle;~~

~~(II) The owner buying equipment for the repair of the vehicle; and~~

~~(III) The owner performing labor on the vehicle for the repair of the vehicle.~~

~~The Commission shall establish the limits referenced in this section in a manner which avoids unnecessary financial hardship to motor vehicle owners.~~

5. As used in this section, "new motor vehicle" means a motor vehicle that has never been registered with the Department of Motor Vehicles and has never been registered with the appropriate agency or authority of any other state, the District of Columbia, any territory or possession of the United States or a foreign state, province or country.

Sec. 10. (Deleted by amendment.)

Sec. 10.3. NRS 445B.830 is hereby amended to read as follows:

445B.830 1. In areas of the State where and when a program is commenced pursuant to NRS 445B.770 to 445B.815, inclusive, the following fees must be paid to the Department of Motor Vehicles and accounted for in the Pollution Control Account, which is hereby created in the State General Fund:

(a) For the issuance and annual renewal of a license for an authorized inspection station, authorized station or fleet station \$25

(b) For each set of 25 forms certifying emission control compliance 150

(c) For each form issued to a fleet station 6

2. Except as otherwise provided in subsection 6, and after deduction of the amounts distributed pursuant to ~~subsection~~ subsections 4, 5 and 7, money in the Pollution Control Account may, pursuant to legislative appropriation or with the approval of the Interim Finance Committee, be expended by the following agencies in the following order of priority:

(a) The Department of Motor Vehicles to carry out the provisions of NRS 445B.770 to 445B.845, inclusive.

(b) The State Department of Conservation and Natural Resources to carry out the provisions of this chapter.

(c) The State Department of Agriculture to carry out the provisions of NRS 590.010 to 590.150, inclusive.

(d) Local air pollution control agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408, for programs related to the improvement of the quality of the air.

(e) The Tahoe Regional Planning Agency to carry out the provisions of NRS 277.200 with respect to the preservation and improvement of air quality in the Lake Tahoe Basin.

3. The Department of Motor Vehicles may prescribe by regulation routine fees for inspection at the prevailing shop labor rate, including, without limitation, maximum charges for those fees, and for the posting of those fees in a conspicuous place at an authorized inspection station or authorized station.

4. The Department of Motor Vehicles shall make quarterly distributions of money in the Pollution Control Account to local air pollution control agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408. The distributions of money made to agencies in a county pursuant to this subsection must be made from an amount of money in the Pollution Control Account that is equal to one-sixth of the amount received for each form issued in the county pursuant to subsection 1.

5. Each local air pollution control agency that receives money pursuant to subsections ~~4 and 5~~, 6 and 7 shall, not later than 45 days after the end of the fiscal year in which the money is received, submit to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee a report on the use of the money received.

6. The Department of Motor Vehicles shall make annual distributions of excess money in the Pollution Control Account to local air pollution control agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408, for programs related to the improvement of the quality of the air. The distributions of excess money made to local air pollution control agencies in a county pursuant to this subsection must be made in an amount proportionate to the number of forms issued in the county pursuant to subsection 1 and an amount proportionate to the amount of fees paid in the county pursuant to NRS 482.381, 482.3812, 482.3814 and 482.3816. As used in this subsection, "excess money" means:

(a) The money in excess of \$1,000,000 remaining in the Pollution Control Account at the end of the fiscal year, after deduction of the amounts distributed pursuant to ~~subsection 1~~ subsections 4 and 7 and any disbursements made from the Account pursuant to subsection 2; and

(b) The money deposited in the Pollution Control Account by the Department of Motor Vehicles pursuant to NRS 482.381, 482.3812, 482.3814 and 482.3816.

7. If a board of county commissioners imposes an additional fee pursuant to subsection 1 of NRS 445B.834, the Department of Motor Vehicles shall:

(a) Upon receiving the notification pursuant to subsection 2 of NRS 445B.834, collect the additional fee on behalf of the county and account separately for money from the additional fee in the Pollution Control Account; and

(b) Make quarterly distributions of the money in the Pollution Control Account attributable to each county whose board of county commissioners imposed the additional fee. The distributions made pursuant to this subsection must be equal to the amount of money collected on behalf of the county pursuant to the additional fee imposed by the board of county commissioners of the county.

8. The Department of Motor Vehicles shall provide for the creation of an advisory committee consisting of representatives of state and local agencies involved in the control of emissions from motor vehicles. The committee shall:

(a) Establish goals and objectives for the program for control of emissions from motor vehicles;

(b) Identify areas where funding should be made available; and

(c) Review and make recommendations concerning regulations adopted pursuant to NRS 445B.770.

Sec. 10.5. NRS 445B.834 is hereby amended to read as follows:

445B.834 1. The board of county commissioners of a county whose population is 100,000 or more may by ordinance impose an additional fee for ~~for~~

~~—(a) Each] each form certifying emission control compliance . for and~~

~~—(b) The issuance and annual renewal of a license for an authorized inspection station, authorized station or fleet station.]~~

2. If a board of county commissioners imposes an additional fee pursuant to subsection 1, the board of county commissioners shall notify the Department of Motor Vehicles for the purposes of collecting and distributing the additional fee pursuant to subsection 7 of NRS 445B.830.

3. If a board of county commissioners imposes an additional fee pursuant to subsection 1, the board shall:

(a) Subject to the provisions of paragraph (b), use any money received from the additional fee to support the programs of local air pollution control agencies to reduce emissions from a motor vehicle; and

(b) Allocate at least 50 percent of any money received from the additional fee to support the programs of local air pollution control agencies to reduce emissions from a motor vehicle for the benefit of historically underserved communities.

~~{3. If the board of county commissioners of a county is authorized to impose an additional fee for each form certifying emission control compliance, or the board of county commissioners imposes an additional fee for each form certifying emission control compliance pursuant to subsection 1, as applicable, the board shall ensure that 2 percent of any such fee it imposes is~~

~~retained as a commission by the authorized station or authorized inspection station that performs the inspection pursuant to which the form certifying emission control compliance is issued.~~

~~2.]~~ 4. As used in this section [; "additional"] :

(a) "Additional fee" does not include any fee that is imposed pursuant to paragraph (a), (b) or (c) of subsection 1 of NRS 445B.830.

(b) "Block" means the smallest geographical unit whose boundaries were designated by the Bureau of the Census of the United States Department of Commerce in its topographically integrated geographic encoding and referencing system.

(c) "Block group" means a combination of blocks whose numbers begin with the same digit.

(d) "Census tract" means a combination of block groups.

(e) "Historically underserved community" means:

(1) A census tract:

(I) Designated as a qualified census tract by the United States Secretary of Housing and Urban Development pursuant to 26 U.S.C. § 42(d)(5)(B)(ii); or

(II) In which, in the immediately preceding census, at least 20 percent of households were not proficient in the English language;

(2) A community in this State with at least one public school:

(I) In which 75 percent or more of the enrolled pupils in the school are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.; or

(II) That participates in universal meal service in high poverty areas pursuant to Section 104 of the Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296; or

(3) A community in this State located on qualified tribal land, as defined in NRS 370.0325.

Sec. 11. (Deleted by amendment.)

Sec. 11.5. 1. This section and sections 2, 5 to 9, inclusive, 10.3, 10.5 and 11 of this act, become effective on October 1, 2021.

2. Section 10 of this act becomes effective on January 1, 2022.

3. Sections 1, 3 and 4 of this act become effective on January 1, 2023.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Senate Amendment No. 861 to Assembly Bill No. 349 deletes section 6 and revises section 7 to provide for regulations that would establish a fee not to exceed \$2 for an inspector to be licensed at additional locations of a test station. It revises section 8 to eliminate the authorization of remote-sensing systems to test the emissions from a motor vehicle. It revises section 9 by eliminating the requirement for the State Environmental Commission to provide a waiver to comply with the provisions governing the control of emissions from engines if the owner of the vehicle repairs the vehicle. It adds section 10.3 that requires DMV to collect an additional fee for each form certifying emission-control compliance on behalf of the county if approved by the Board of County Commissioners, account for the fee separately and make quarterly distributions to the county. It revises section 10.5 by eliminating the ability of the Board of County Commissioners for a county with a population of 100,000 or more to impose an additional fee for

the issuance and annual renewal of a license for an authorized inspection station, authorized station or fleet station.

Amendment adopted.

Bill read third time.

Remarks by Senator Denis.

Assembly Bill No. 349 provides that in order to consider an old-timer vehicle, classic car or classic rod, a vehicle cannot be used for general transportation and must be covered by either an endorsement or insurance policy that is designed or designated specifically for classic or antique vehicles.

This bill resolves the issue of people who are registering their cars as old-timer vehicles to avoid having an emissions test, then using them daily as their regular vehicle.

Roll Call on Assembly Bill No. 349:

YEAS—12.

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

Assembly Bill No. 349 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 387.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 841.

SUMMARY—Revises provisions relating to midwives. (BDR 54-225)

AN ACT relating to midwives; establishing the Board of Licensed Certified Professional Midwives and requiring the Board to adopt certain regulations; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to perform certain tasks relating to the regulation of licensed certified professional midwives; providing for the licensure of licensed certified professional midwives; authorizing a licensed certified professional midwife to utilize a certified professional midwife birth assistant under certain circumstances; prescribing requirements relating to the practice of certified professional midwifery; requiring all types of midwives practicing in this State to provide to clients a Community Birth Disclosure; authorizing a licensed certified professional midwife to possess, administer and order certain drugs, devices, chemicals and solutions; exempting a licensed certified professional midwife and other providers of health care from certain liability; requiring Medicaid to cover the services of a licensed certified professional midwife; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a midwife to perform certain duties relating to reporting births and deaths and testing newborn babies for certain diseases. (NRS 440.100, 440.740, 442.008-442.110, 442.600-442.680) Sections 2-32 of this bill provide for: (1) the licensure of licensed certified professional midwives by the Division of Public and Behavioral Health of the Department

of Health and Human Services; and (2) the regulation of licensed certified professional midwives by the Division and the Board of Licensed Certified Professional Midwives created by section 16 of this bill. Sections 2-14, 45, 69 and 73 of this bill define certain terms related to the practice of certified professional midwifery. Section 15 of this bill exempts other providers of health care from requirements governing the licensure and regulation of licensed certified professional midwives. Sections 36, 38, 39 and 42-44 of this bill similarly exempt licensed certified professional midwives and certified professional midwife student midwives from provisions governing certain other providers of health care. Licensed certified professional midwives and certified professional midwife student midwives would also be exempt from provisions governing allopathic physicians. (NRS 630.047) Section 15.5 of this bill authorizes the Division to accept gifts, grants and donations to pay the costs of performing its duties under the provisions of this bill.

Section 16 creates the Board of Licensed Certified Professional Midwives. Sections 34, 55 and 58-62 of this bill make various changes to ensure that the Board is treated similarly to other boards that regulate health-related professions. Specifically, section 34 provides that a person may obtain a license as a licensed certified professional midwife through reciprocity if the person has been in practice for at least the 3 years immediately preceding the date on which the person submits an application. Section 17 of this bill prescribes certain requirements concerning the operations and duties of the Board. Section 18 of this bill requires the Board to adopt regulations governing the practice of certified professional midwifery, including: (1) a list of approved programs of training for certified professional midwife birth assistants; (2) requirements governing the issuance and renewal of a license as a licensed certified professional midwife; (3) requirements governing the investigation of misconduct and discipline; (4) requirements governing the management of a client who is at a moderate or high risk of an adverse outcome; and (5) requirements governing certain other aspects of the practice of certified professional midwifery.

Section 19 of this bill prescribes the requirements for the issuance of a license as a licensed certified professional midwife. Section 101 of this bill revises the requirements for the issuance of a license as a licensed certified professional midwife on January 1, 2025. Section 22 of this bill: (1) authorizes a licensed certified professional midwife to utilize a certified professional midwife birth assistant to perform certain simple, routine medical tasks; and (2) prescribes the required training for a certified professional midwife birth assistant.

Existing federal law requires each state to adopt procedures to ensure that applicants for certain licenses and certificates comply with child support obligations. (42 U.S.C. § 666) Sections 23 and 29 of this bill enact such procedures as applicable to an applicant for a license as a licensed certified professional midwife in order to comply with federal law. Sections 102 and 107 of this bill remove a requirement that an application for a license as a

licensed certified professional midwife include the social security number of the applicant on the date that those federal requirements are repealed, while leaving in place the other requirements of sections 23 and 29 until 2 years after that date. Section 33 of this bill makes a conforming change to address applicants for licensure who do not have a social security number.

Section 24 of this bill prescribes the authorized activities of a certified professional midwife student midwife and requirements governing the supervision of a certified professional midwife student midwife by a preceptor. Section 25 of this bill requires any midwife who provides birthing services in this State to provide to a client a Community Birth Disclosure that contains certain information. Section 25 additionally requires the Board to create the Community Birth Disclosure in collaboration with all types of midwives who provide birthing services in this State. Section 25 further requires a licensed certified professional midwife to obtain informed consent from each client before providing services.

Existing law authorizes only certain practitioners who are licensed in this State and registered with the State Board of Pharmacy to prescribe drugs and devices. (NRS 639.235, 639.23505) Sections 26, 40, 41 and 76 of this bill authorize a licensed certified professional midwife to: (1) order, possess and administer certain drugs, devices, chemicals and solutions; and (2) order certain devices and vaccines for a client. Sections 22, 24 and 77 of this bill authorize a certified professional midwife birth assistant or certified professional midwife student midwife to administer certain drugs, devices, chemicals and solutions under the direct supervision of a licensed certified professional midwife or in certain emergency situations.

Section 27 of this bill imposes specific requirements concerning the management of a client who is at a moderate or high risk of an adverse outcome, and section 103 of this bill revises some of those requirements on the effective date of regulations adopted by the Board of Licensed Certified Professional Midwives to replace those requirements. Section 105 of this bill creates the Collaboration and Transfer Guidelines Workgroup to make recommendations to the Board for regulations governing the transfer of such a client to a medical facility. Section 27 also exempts: (1) a licensed certified professional midwife from liability resulting from the informed refusal of such a client to consent to consultation, co-management with or referral to another provider of health care or transfer to a medical facility or the inability of the licensed certified professional midwife to arrange for such consultation or carry out such co-management, referral or transfer; and (2) other providers of health care from liability for the actions or omissions of a licensed certified professional midwife.

Section 28 of this bill requires a licensed certified professional midwife to report certain information concerning his or her practice to the Division.

Section 30 of this bill: (1) requires the Division to maintain certain records of proceedings relating to licensing, disciplinary actions and investigations; and (2) declares certain records to be confidential and certain other records to

be public. Section 57 of this bill makes a conforming change to clarify that confidential records of the Division are not public records. Section 31 of this bill prohibits a person who does not hold a license as a licensed certified professional midwife from representing that he or she is licensed to engage in the practice of certified professional midwifery. Section 31 allows a person to represent that he or she is licensed to engage in the practice of certified professional midwifery if the person is licensed in another district, state or territory of the United States and the person discloses that license to the public. Section 31 also prohibits a certified professional midwife student midwife from: (1) engaging in midwifery in circumstances other than those authorized by this bill; or (2) representing that he or she is qualified to engage in the practice of certified professional midwifery without supervision. Section 31 authorizes the Division to, when it has reason to believe or has received complaints that a person has repeatedly violated the provisions of section 31, certify the facts to the Attorney General, or other appropriate law enforcement officer, who may, in his or her discretion, cause appropriate proceedings to be brought. Section 32 of this bill authorizes the Division or the Attorney General to seek an injunction against any person violating any provision of sections 2-32.

Existing law defines the term "provider of health care" as a person who practices any of certain professions related to the provision of health care. (NRS 629.031) Existing law imposes certain requirements upon providers of health care, including requirements for billing, standards for advertisements and criminal penalties for acquiring certain debts. (NRS 629.071, 629.076, 629.078) Section 35 of this bill includes licensed certified professional midwives in the definition of "provider of health care," thereby subjecting licensed certified professional midwives to those requirements. Section 75 of this bill makes a conforming change to clarify that licensed certified professional midwives are providers of health care. Section 37 of this bill requires a licensed certified professional midwife to report misconduct by a person licensed or certified by the State Board of Nursing to the Executive Director of the Board.

Sections 48 and 49 of this bill provide that a licensed certified professional midwife is not liable for civil damages resulting from providing emergency care or gratuitous care to an indigent person under certain circumstances. Section 70 of this bill requires a licensed certified professional midwife who attends a birth that occurs outside a hospital which is not also attended by a physician or advanced practice registered nurse to prepare a birth certificate. Section 71 of this bill provides for the imposition of a fine upon a person who furnishes false information to a licensed certified professional midwife for the purpose of making incorrect certification of births or deaths.

Existing law provides that, in any civil action concerning any unwelcome or nonconsensual sexual conduct, there is a rebuttable presumption that the sexual conduct was unwelcome or nonconsensual if the alleged perpetrator was a person in a position of authority over the alleged victim. (NRS 41.138)

Section 47 of this bill provides that a licensed certified professional midwife, certified professional midwife student midwife or certified professional midwife birth assistant is a person of authority for that purpose.

Sections 46, 50-54, 63, 64, 66-75 and 78-99 of this bill make revisions to treat licensed certified professional midwives similarly to other providers of health care in certain respects. Section 65 of this bill requires Medicaid to cover the services of a licensed certified professional midwife and provide reimbursement for such services at comparable rates to other providers of health care who provide similar services. Section 56 of this bill makes a conforming change to indicate the placement of section 65 in the Nevada Revised Statutes.

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

Section 1. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 32, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 14, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. (Deleted by amendment.)

Sec. 4. *"Board" means the Board of Licensed Certified Professional Midwives created by section 16 of this act.*

Sec. 5. *"Certified nurse-midwife" means a person who is:*

1. *Certified as a nurse-midwife by the American Midwifery Certification Board, or its successor organization; and*

2. *Licensed as an advanced practice registered nurse pursuant to NRS 632.237.*

Sec. 5.3. *"Certified professional midwife birth assistant" means a person who performs routine medical tasks and procedures under the direct supervision of a licensed certified professional midwife.*

Sec. 5.7. *"Certified professional midwife student midwife" means a person who performs midwifery under the direct supervision of a preceptor pursuant to section 24 of this act.*

Sec. 6. *"Co-manage" means a licensed certified professional midwife jointly managing the care of a client with another provider of health care.*

Sec. 7. *"Consult" means a client receiving an opinion concerning the management of a particular condition or symptom from an appropriate provider of health care at the direction of a licensed certified professional midwife.*

Sec. 8. *"Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.*

Sec. 9. *"Licensed certified professional midwife" means a person licensed as a licensed certified professional midwife pursuant to section 19 of this act.*

Sec. 10. *"Medical facility" has the meaning ascribed to it in NRS 449.0151.*

Sec. 11. *"Practice of certified professional midwifery" means the provision of autonomous care to healthy clients who are at low risk of developing complications before conception, while pregnant and during the postpartum period and to newborn infants for up to 6 weeks after childbirth. The term includes, without limitation, co-management of the care of a client with a qualified provider of health care.*

Sec. 12. *"Provider of health care" has the meaning ascribed to it in NRS 629.031.*

Sec. 13. *"Refer" means a licensed certified professional midwife arranging for another provider of health care to assume primary responsibility for managing a condition or symptom.*

Sec. 14. (Deleted by amendment.)

Sec. 15. 1. *Except as otherwise provided in this section and sections 22 and 27 of this act, the provisions of this chapter do not apply to a person who holds a license, certificate or other credential issued pursuant to chapters 630 to 641C, inclusive, of NRS and is practicing within the scope of authority authorized by that license, certificate or other credential. For the purposes of this subsection, a certified nurse-midwife shall be deemed to be practicing within the scope of authority authorized by his or her license as an advanced practice registered nurse.*

2. *This chapter does not prohibit:*

(a) *Gratuitous services of a person in an emergency; or*

(b) *Gratuitous care by friends or by members of the family.*

Sec. 15.5. *The Division may accept gifts, grants and donations to pay the costs of performing its duties under the provisions of this chapter.*

Sec. 16. 1. *The Board of Licensed Certified Professional Midwives is hereby created.*

2. *The Administrator of the Division shall appoint to the Board:*

(a) *Four voting members who are licensed certified professional midwives currently practicing in this State;*

(b) *One voting member who is an advanced practice registered nurse, certified nurse-midwife or physician currently practicing in the area of obstetrics in this State;*

(c) *One voting member who is a provider of health care, other than a provider of health care described in paragraph (a) or (b), who is currently providing neonatal or pediatric care in this State;*

(d) *Two voting members who are representatives of the general public and who have received care from a licensed certified professional midwife; and*

(e) *One nonvoting member to serve as a liaison with the Division.*

3. *Each member of the Board must be a resident of this State.*

4. *The Administrator of the Division:*

(a) *May solicit nominations for appointment to the Board from interested persons and entities.*

(b) *Shall give preference when appointing the members of the Board to candidates who have experience collaborating with licensed certified*

professional midwives or providing or utilizing midwifery services outside of a hospital.

5. The Board shall adopt regulations prescribing the terms of its members. Such terms must not exceed 4 years. The Administrator of the Division may:

- (a) Reappoint a member at the expiration of his or her term; or
- (b) Terminate a member before the expiration of his or her term for cause.

6. A vacancy on the Board must be filled in the same manner as the initial appointment.

7. Except as otherwise provided in this subsection, members of the Board serve without compensation. The State Board of Health may, by regulation, provide for compensation of the members of the Board.

Sec. 17. 1. A majority of the voting members of the Board constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Board.

2. The Board shall:

(a) At its first meeting and annually thereafter, elect a Chair from among its members;

(b) Meet annually at the call of the Chair; and

(c) Recommend to the Legislature any statutory changes to improve the practice of certified professional midwifery in this State.

3. To the extent that money is available, the Board may meet more frequently than required by paragraph (b) of subsection 2.

4. To the extent practicable, any advice or recommendations made by the Board concerning the practice of certified professional midwifery must be guided by current, peer-reviewed scientific research.

Sec. 18. 1. The Board shall adopt any regulations necessary or convenient for carrying out the provisions of this chapter. Those regulations must include, without limitation:

(a) A list of programs of training for certified professional midwife birth assistants approved by the Board. The Division shall post the list on an Internet website maintained by the Division.

(b) Requirements governing the issuance and renewal of a license as a licensed certified professional midwife, including, without limitation:

(1) The period for which a license is valid, which must not exceed 2 years.

(2) A requirement that an applicant for the renewal of a license must have completed continuing education in cultural humility or the elimination of racism or bias.

(c) The procedure for filing a complaint with the Division concerning a licensed certified professional midwife or certified professional midwife student midwife.

(d) Grounds for the Division to impose disciplinary action against a licensed certified professional midwife or certified professional midwife student midwife and the procedure by which the Division will impose such disciplinary action.

(e) Requirements governing the reinstatement of a license that has been revoked, including, without limitation, the procedure to apply for reinstatement.

(f) Regulations governing the ordering, usage and administration of drugs, vaccines, chemicals, solutions and devices pursuant to section 26 of this act.

(g) Regulations concerning the management by a licensed certified professional midwife of a client who may have a condition that puts the client at a moderate or high risk of an adverse outcome for the client or the fetus or newborn infant of the client. The regulations must, to the extent practicable, be guided by current, peer-reviewed scientific research and must include, without limitation:

(1) A list of conditions or symptoms associated with a risk of serious permanent harm or death to a client or the fetus or newborn infant of a client;

(2) A list of conditions or symptoms associated with a risk of greater than minimal harm to a client or the fetus or newborn infant of a client that do not pose a risk of serious permanent harm or death; and

(3) Specific requirements for each condition or symptom listed pursuant to subparagraphs (1) and (2) governing:

(I) The circumstances under which a licensed certified professional midwife must arrange for the client to consult with another provider of health care, co-manage the care of the client with another provider of health care, refer primary responsibility for the care of a client to another provider of health care or transfer the care of the client to a medical facility, procedures for such consultation, co-management, referral or transfer and requirements to ensure that a provider of health care who is consulted, with whom a client's condition or symptom is co-managed or to whom primary responsibility for the care of a client is referred is appropriately qualified; and

(II) The information that must be included on the form for providing informed refusal to consent to consultation, co-management, referral or transfer pursuant to section 27 of this act and the management of a client who provides such informed refusal to consent.

(h) Requirements governing the screening of clients in accordance with chapter 442 of NRS and necessary measures for the prevention of communicable diseases.

(i) Requirements concerning the records of treatment and outcomes that must be kept by a licensed certified professional midwife.

(j) Administrative penalties that the Division may impose upon a certified professional midwife student midwife who engages in the practice of certified professional midwifery without a preceptor.

(k) Any other requirements necessary to optimize obstetrical and neonatal outcomes for clients of licensed certified professional midwives.

2. The Board may, by regulation, require an applicant for a license as a licensed certified professional midwife to submit to the Division a complete set of his or her fingerprints and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of

Criminal History for submission to the Federal Bureau of Investigation for its report.

Sec. 19. 1. *An applicant for a license as a licensed certified professional midwife must submit to the Division an application pursuant to this section in the form prescribed by the Division. The application must be accompanied by a fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed \$1,000. The application must include, without limitation, proof that the applicant is certified as a midwife by the North American Registry of Midwives, or its successor organization, and:*

(a) Has completed an educational program accredited by the Midwifery Education Accreditation Council, or its successor organization; or

(b) Holds a Midwifery Bridge Certificate issued by the North American Registry of Midwives, or its successor organization, and has completed the Portfolio Evaluation Process prescribed by that organization.

2. *A license as a licensed certified professional midwife may be renewed upon submission to the Division of a renewal application in the form prescribed by the Division. The renewal application must:*

(a) Be accompanied by a renewal fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed \$1,000; and

(b) Include any information required by the regulations adopted by the Board pursuant to section 18 of this act.

3. *To the extent that the implementation of such provisions will leave the Division with sufficient money to carry out its duties under this chapter, the State Board of Health shall establish by regulation a procedure through which:*

(a) An applicant may petition the Division to reduce the fees imposed pursuant to this section. An applicant may qualify for such a reduction if the applicant demonstrates, to the satisfaction of the Division, that the fees imposed pursuant to this section are an economic hardship on the applicant.

(b) The Division allocates a portion of the fees imposed and collected pursuant to this section to programs that promote applicants from marginalized identities through increasing the numbers of such applicants and reducing barriers that such applicants face.

4. *As used in this section, "marginalized identity" means an identity or expression that causes or has historically caused a person of such identity or expression to be disproportionately discriminated against, harassed or otherwise negatively treated or affected as a result of the identity or expression.*

Sec. 20. *(Deleted by amendment.)*

Sec. 21. *(Deleted by amendment.)*

Sec. 22. 1. *A licensed certified professional midwife may utilize a certified professional midwife birth assistant to perform the tasks and procedures authorized by subsection 3. Except as otherwise provided in*

subsection 2, a certified professional midwife birth assistant, including, without limitation, a provider of health care serving as a certified professional midwife birth assistant, must:

- (a) Be at least 18 years of age;
- (b) Have completed a program of training for certified professional midwife birth assistants on the list of programs approved by the Board pursuant to paragraph (a) of subsection 1 of section 18 of this act;
- (c) Have completed training in cultural humility or the elimination of racism or bias;
- (d) Have completed training in the techniques of administering neonatal resuscitation provided through the Neonatal Resuscitation Program of the American Academy of Pediatrics, or any successor to that program; and
- (e) Hold current certification in the techniques of administering cardiopulmonary resuscitation.

2. A certified professional midwife birth assistant who is a licensed certified professional midwife or who is a certified nurse-midwife is not required to possess the qualifications set forth in subsection 1.

3. Except as otherwise provided in subsection 4, a certified professional midwife birth assistant may perform routine clinical tasks and procedures only under the direct supervision of a licensed certified professional midwife who is present on the premises and able to intervene if necessary. Such tasks include, without limitation:

- (a) Administering medications, including, without limitation and to the extent applicable, any medication described in subsection 2 of section 26 of this act, intradermally, subcutaneously and intramuscularly and performing skin tests;
- (b) Providing medication, including, without limitation and to the extent applicable, any medication described in subsection 2 of section 26 of this act, to a patient to self-administer orally, sublingually, topically or rectally;
- (c) Administering oxygen;
- (d) Assisting in the care of a newborn infant immediately after birth;
- (e) Placing a device used for auscultation of fetal heart tones;
- (f) Assisting a client with activities of daily living and assisting the client in moving between the bed and bathroom;
- (g) Performing cardiopulmonary or neonatal resuscitation; and
- (h) Checking vital signs.

4. A certified professional midwife birth assistant may provide any necessary assistance in an emergency or when birth is imminent if his or her supervising licensed certified professional midwife is not present. If a certified professional midwife birth assistant provides such assistance without supervision, the certified professional midwife birth assistant must contact a provider of emergency medical services to provide further assistance.

5. A certified professional midwife birth assistant shall not assess clinical information or make clinical decisions.

Sec. 23. 1. *In addition to any other requirements set forth in this chapter:*

(a) An applicant for the issuance of a license as a licensed certified professional midwife in this State shall include the social security number of the applicant in the application submitted to the Division.

(b) An applicant for the issuance of a license as a licensed certified professional midwife in this State shall submit to the Division of Public and Behavioral Health of the Department of Health and Human Services 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 of Public and Behavioral Health of the Department of Health and Human Services 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 license; or

(b) A separate form prescribed by the Division.

3. *A license as a licensed certified professional midwife 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. 24. 1. *Except as otherwise provided in subsection 5, a certified professional midwife student midwife may engage in the practice of certified professional midwifery, including, without limitation, by using or administering any drug, vaccine, device, chemical or solution described in subsection 1, 2 or 3 of section 26 of this act, only under the direct supervision of a preceptor who is present on the premises and able to intervene if necessary. The preceptor is responsible for each client to whom the certified professional midwife student midwife provides midwifery services.*

2. *A preceptor must be a person engaged in the practice of certified professional midwifery who is approved by the North American Registry of Midwives, or its successor organization, to serve as a preceptor.*

3. *A preceptor shall:*

(a) Notify each client that a certified professional midwife student midwife may be involved in the care of the client;

(b) Explain the scope of the activities that the certified professional midwife student midwife may perform under the supervision of the preceptor; and

(c) Review and evaluate all care provided by a certified professional midwife student midwife under his or her supervision and attend every clinical encounter between the certified professional midwife student midwife and a client.

4. If the preceptor of a certified professional midwife student midwife ceases to serve as his or her preceptor and the certified professional midwife student midwife has no additional preceptor, the certified professional midwife student midwife must cease engaging in the practice of certified professional midwifery.

5. A certified professional midwife student midwife may provide any necessary assistance in an emergency or when birth is imminent if his or her preceptor is not present. If a certified professional midwife student midwife needs to provide such assistance and his or her preceptor is not present, the certified professional midwife student midwife must contact a provider of emergency medical services to provide further assistance.

Sec. 25. Upon accepting a client:

1. Any midwife, including, without limitation, a licensed certified professional midwife and a certified nurse-midwife, shall provide the client with a Community Birth Disclosure. The Community Birth Disclosure must inform the client regarding:

(a) The type of midwife that the midwife is;

(b) The level of education that the midwife has received; and

(c) The care to be provided by the midwife.

➡ The Board shall create the Community Birth Disclosure in collaboration with all types of midwives practicing in this State.

2. A midwife must sign and date, and obtain the signature of the client with a notation of the date of the signature upon, the Community Birth Disclosure provided pursuant to subsection 1. The midwife shall retain a copy of the Community Birth Disclosure for 5 years.

3. In addition to providing the Community Birth Disclosure pursuant to subsection 1, a licensed certified professional midwife shall obtain from the client informed written consent regarding the care to be provided by the licensed certified professional midwife. Informed written consent requires that the licensed certified professional midwife provide to the client:

(a) A description of the educational background and credentials of the licensed certified professional midwife;

(b) A description of the practice of certified professional midwifery as set forth in section 11 of this act and the limitations on the practice of a licensed certified professional midwife;

(c) Instructions for obtaining a copy of the provisions of sections 2 to 32, inclusive, of this act and the regulations adopted pursuant to section 18 of this act;

(d) Instructions for filing a complaint with the Division in accordance with the regulations adopted pursuant to section 18 of this act;

(e) A description of the actions that the licensed certified professional midwife will take in an emergency, including, without limitation, the conditions under which the licensed certified professional midwife will recommend the transfer of the client to a medical facility and the procedure that the licensed certified professional midwife will follow when making such a transfer;

(f) A description of the procedures that will be used during the birth in the client's chosen setting, the risks and benefits of birth in that setting and the conditions that may arise during delivery;

(g) A disclosure of whether the licensed certified professional midwife holds liability insurance;

(h) A summary of the provisions of section 27 of this act and the regulations adopted pursuant to section 18 of this act governing consultation, co-management, referral and transfer and a description of the procedures established by the licensed certified professional midwife for consultation, co-management, referral and transfer; and

(i) Any other information required by regulation of the Board.

Sec. 26. 1. A licensed certified professional midwife may use the following devices:

(a) Dopplers, syringes, needles, phlebotomy equipment, sutures, urinary catheters, intravenous equipment, amnihooks, airway suction devices, electronic fetal monitors, tocodynamometer monitors, equipment for administering oxygen, glucose monitoring systems and testing strips, neonatal and adult oximetry equipment, centrifuges and equipment for conducting screenings of hearing ability;

(b) Equipment for administering nitrous oxide, including, without limitation, scavenging systems, only in an obstetric center licensed pursuant to chapter 449 of NRS;

(c) Neonatal and adult resuscitation equipment, including, without limitation, airway devices; and

(d) Any other device authorized by regulation of the Board.

2. A licensed certified professional midwife may possess and administer:

(a) Oxytocin, misoprostol, methylergonovine, tranexamic acid, lidocaine, penicillin, ampicillin, cefazolin, clindamycin, epinephrine, diphenhydramine, ondansetron, phylloquinone, erythromycin ointment, terbutaline and nitrous oxide;

(b) Influenza vaccine, hepatitis B vaccine, COVID-19 vaccine and diphtheria, tetanus and pertussis vaccine;

(c) Rho (D) immune globulin and hepatitis B immune globulin; and

(d) Any other drugs or vaccines authorized by regulation of the Board.

3. A licensed certified professional midwife may possess and administer:

- (a) Oxygen, lactated Ringers solution, 5 percent dextrose in lactated Ringers solution, 0.9 percent sodium chloride solution and sterile water; and
- (b) Any other chemicals or solutions authorized by regulation of the Board.

4. A licensed certified professional midwife may order for a client:

- (a) Breast pumps, compression stockings and belts, maternity belts, diaphragms, cervical caps, glucometers, glucose testing strips, iron supplements and prenatal vitamins; and
- (b) Any vaccine described in paragraph (b) of subsection 2.

Sec. 27. 1. Except as otherwise provided in subsections 4 and 5, a licensed certified professional midwife must recommend and, with the consent of the client, arrange for consultation or co-management with or referral to a qualified provider of health care or transfer to an appropriate medical facility if the licensed certified professional midwife determines that any of the following conditions or symptoms exist:

- (a) Complete placenta previa;
- (b) Partial placenta previa after the 27th week of gestation;
- (c) Infection with the human immunodeficiency virus;
- (d) Cardiovascular disease;
- (e) Severe mental illness that may cause the client to cause harm to themselves or others;
- (f) Pre-eclampsia or eclampsia;
- (g) Fetal growth restriction, oligohydramnios or moderate or severe polyhydramnios in the pregnancy;
- (h) Potentially serious anatomic fetal abnormalities;
- (i) Diabetes that requires insulin or other medication for management;
- (j) Gestational age of greater than 43 weeks; or
- (k) Any other condition or symptom which, in the judgment of the licensed certified professional midwife, could threaten the life of the client or the fetus or newborn infant of the client.

2. Except as otherwise provided in subsections 4 and 5, a licensed certified professional midwife must recommend and, with the consent of the client, arrange for consultation or co-management with or referral to a qualified provider of health care if the licensed certified professional midwife determines that any of the following conditions or symptoms exist:

- (a) Prior cesarean section or other surgery resulting in a uterine scar;
- (b) Multifetal gestation; or
- (c) Non-cephalic presentation after 36 weeks of gestation.

3. A licensed certified professional midwife who recommends to a client consultation, co-management, referral or transfer shall document in the record of the client:

- (a) The contents of the recommendation;
- (b) The condition or symptom for which the recommendation was made;
- (c) Whether the client consented to the consultation, co-management, referral or transfer; and

(d) *If the client provides consent, the name, profession and specialty of the provider of health care with whom the licensed certified professional midwife consulted or co-managed or to whom the client was referred or the medical facility to which the client was transferred.*

4. *A client may provide informed refusal to consent to consultation, co-management, referral or transfer in writing on a form prescribed by the Board. If a client provides informed refusal to consent to:*

(a) *Consultation, co-management, referral or transfer after the licensed certified professional midwife has determined that a condition or symptom described in subsection 1 exists, the licensed certified professional midwife must attempt to locate a qualified provider of health care for which the client consents to consultation, co-management or referral or an appropriate medical facility for which the client consents to transfer. If the licensed certified professional midwife is unable to locate such a provider of health care who is willing to consult, co-manage or accept the referral or such a medical facility which is willing to accept the transfer, the licensed certified professional midwife is not liable for any damages resulting from the failure to consult, co-manage, refer or transfer. If the condition or symptom threatens the life or health of the client or the fetus or the newborn infant of the client during labor or delivery, the licensed certified professional midwife must call 911 and provide care until relieved by a qualified provider of health care.*

(b) *Consultation, co-management or referral after the licensed certified professional midwife has determined that a condition or symptom described in subsection 2 exists, the licensed certified professional midwife:*

(1) *May continue to serve as the primary provider of health care for the client until the client provides such consent; and*

(2) *Is not liable for any damages resulting from the failure to consult, co-manage or refer.*

5. *If, after determining that a condition or symptom described in:*

(a) *Subsection 1 exists and making a reasonable effort to arrange for consultation with, co-management of the condition or symptom with or referral of the client to a qualified provider of health care or the transfer of the client to an appropriate medical facility, a licensed certified professional midwife is unable to locate a qualified provider of health care who is willing to consult, co-manage or accept the referral or an appropriate medical facility willing to accept the transfer, the licensed certified professional midwife shall be deemed to be in compliance with the requirements of this section and is not liable for any damages resulting from the inability of the licensed certified professional midwife to consult, co-manage, refer or transfer. If the condition or symptom threatens the life or health of the client or the fetus or newborn infant of the client during labor or delivery, the licensed certified professional midwife must call 911 and provide care until relieved by a qualified provider of health care.*

(b) *Subsection 2 exists and making a reasonable effort to arrange for consultation with, co-management of the condition or symptom with or*

referral of the client to a qualified provider of health care, a licensed certified professional midwife is unable to locate a qualified provider of health care who is willing to consult, co-manage or accept the referral, the licensed certified professional midwife shall be deemed to be in compliance with the requirements of this section and is not liable for any damages resulting from the inability of the licensed certified professional midwife to arrange for consultation, co-manage or refer.

6. A provider of health care who is not a licensed certified professional midwife is not liable for any damages resulting from any act or omission of a licensed certified professional midwife and is not required to adhere to any standards of care governing the practice of certified professional midwifery. Such a provider of health care is only liable for the damages resulting from his or her own acts or omissions in accordance with the standards of care governing his or her profession.

Sec. 28. 1. With each application for the renewal of his or her license, a licensed certified professional midwife shall submit to the Division a report that includes, for the immediately preceding licensure period:

(a) The total number of clients who, when accepted by the licensed certified professional midwife as clients, intended to deliver their babies outside of a hospital;

(b) The number of live births attended by the licensed certified professional midwife outside of a hospital;

(c) The number of cases of fetal demise, deaths of newborns and maternal deaths attended by the licensed certified professional midwife;

(d) The number of clients transferred to a medical facility during the antepartum, intrapartum or immediate postpartum periods and the reason for and outcome of each such transfer;

(e) A brief description of any complications resulting in maternal or infant morbidity or mortality;

(f) The planned location and actual location of each delivery; and

(g) Any other information required by regulation of the Board.

2. Not later than 30 days after attending a maternal or newborn infant death, a licensed certified professional midwife shall report the death to the Division and the Board.

Sec. 29. 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 the holder of a license issued pursuant to this chapter, the Division shall deem the license 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 license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. *The Division shall reinstate a license issued pursuant to this chapter that has been suspended by a district court pursuant to NRS 425.540 if:*

(a) The Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and

(b) The person whose license was suspended pays the appropriate fee required pursuant to this chapter.

Sec. 30. 1. *The Division shall keep a record of its proceedings relating to licensing, disciplinary actions and investigations. Except as otherwise provided in this chapter, the record must be open to public inspection at all reasonable times.*

2. *Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Division, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential and privileged.*

3. *A complaint or other document filed by the Division to initiate disciplinary action, any written opinion rendered by the Division and all documents and information considered by the Division when determining whether to impose discipline are public records.*

4. *An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.*

5. *The provisions of this section do not prohibit the Division from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.*

Sec. 31. 1. *Except as otherwise provided in subsection 2, a person who is not licensed as a licensed certified professional midwife or a person whose license as a licensed certified professional midwife has been suspended or revoked by the Division shall not:*

(a) Use in connection with his or her name the words "licensed certified professional midwife," "licensed midwife" or any other letters, words or insignia indicating or implying that he or she is licensed to engage in the practice of certified professional midwifery, or in any other way, orally, or in writing or print, or by sign, directly or by implication, represent himself or herself as licensed to engage in the practice of certified professional midwifery in this State; or

(b) List or cause to have listed in any directory, including, without limitation, a telephone directory, his or her name or the name of his or her company under the heading "licensed certified professional midwife," "licensed midwife" or any other term that indicates or implies that he or she is

licensed to engage in the practice of certified professional midwifery in this State.

2. A person who is not licensed as a licensed certified professional midwife or a person whose license as a licensed certified professional midwife has been suspended or revoked by the Division may use or list the words or headings described in paragraph (a) or (b) of subsection 1 if the person is licensed in the District of Columbia or any state or territory of the United States. If the person uses or lists the words or headings pursuant to this section, the person shall disclose the district, state or territory, as applicable, in which he or she is licensed.

3. A person who is licensed as a licensed certified professional midwife and who is also licensed in the District of Columbia or any state or territory of the United States shall disclose each additional district, state or territory, as applicable, in which he or she is currently licensed or has ever been licensed in all circumstances described in paragraphs (a) and (b) of subsection 1.

4. A certified professional midwife student midwife shall not:

(a) Engage in midwifery except in circumstances authorized by this chapter; or

(b) Use in connection with his or her name the words "licensed certified professional midwife," "certified professional midwife," "licensed midwife" or any other letters, words or insignia indicating or implying that he or she is licensed to engage in the practice of certified professional midwifery without supervision, or in any other way, orally, or in writing or print, or by sign, directly or by implication, represent himself or herself as licensed to engage in the practice of certified professional midwifery without supervision in this State.

5. A person or entity shall not operate a program of training for certified professional midwife birth assistants or advertise or otherwise represent that the person or entity is authorized to operate such a program unless the program is included on the list of programs approved by the Board pursuant to paragraph (a) of subsection 1 of section 18 of this act.

6. If the Division has reason to believe that a person has repeatedly violated any provision of this section or the Division has received complaints that a person has repeatedly violated any provision of this section, the Division may certify the facts to the Attorney General, or other appropriate enforcement officer, who may, in his or her discretion, cause appropriate proceedings to be brought.

Sec. 32. 1. The Division or the Attorney General may maintain in any court of competent jurisdiction a suit to enjoin any person from violating a provision of this chapter or any regulations adopted pursuant thereto.

2. Such an injunction:

(a) May be issued without proof of actual damage sustained by any person as a preventive or punitive measure.

(b) Does not relieve any person or business entity from any other legal action.

Sec. 33. NRS 622.238 is hereby amended to read as follows:

622.238 1. The Legislature hereby finds and declares that:

(a) It is in the best interests of this State to make full use of the skills and talents of every resident of this State.

(b) It is the public policy of this State that each resident of this State, regardless of his or her immigration or citizenship status, is eligible to receive the benefit of applying for a license, certificate or permit pursuant to 8 U.S.C. § 1621(d).

2. Notwithstanding any other provision of this title, a regulatory body shall not deny the application of a person for the issuance of a license pursuant to this title based solely on his or her immigration or citizenship status.

3. Notwithstanding the provisions of NRS 623.225, 623A.185, 624.268, 625.387, 625A.105, 628.0345, 628B.320, 630.197, 630A.246, 631.225, 632.3446, 633.307, 634.095, 634A.115, 635.056, 636.159, 637.113, 637B.166, 638.103, 639.129, 640.095, 640A.145, 640B.340, 640C.430, 640D.120, 640E.200, 641.175, 641A.215, 641B.206, 641C.280, 642.0195, 643.095, 644A.485, 645.358, 645A.025, 645B.023, 645B.420, 645C.295, 645C.655, 645D.195, 645E.210, 645G.110, 645H.550, 648.085, 649.233, 652.075, 653.550, 654.145, 655.075 and 656.155, *and section 23 of this act*, an applicant for a license who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application for a license.

4. A regulatory body shall not disclose to any person who is not employed by the regulatory body the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

(a) Tax purposes;

(b) Licensing purposes; and

(c) Enforcement of an order for the payment of child support.

5. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to a regulatory body is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 34. NRS 622.520 is hereby amended to read as follows:

622.520 1. A regulatory body that regulates a profession pursuant to chapters 630, 630A, 632 to 641C, inclusive, *and sections 2 to 32, inclusive, of this act*, 644A or 653 of NRS in this State may enter into a reciprocal agreement with the corresponding regulatory authority of the District of Columbia or any other state or territory of the United States for the purposes of:

(a) Authorizing a qualified person licensed in the profession in that state or territory to practice concurrently in this State and one or more other states or territories of the United States; and

(b) Regulating the practice of such a person.

2. A regulatory body may enter into a reciprocal agreement pursuant to subsection 1 only if the regulatory body determines that:

(a) The corresponding regulatory authority is authorized by law to enter into such an agreement with the regulatory body; and

(b) The applicable provisions of law governing the practice of the respective profession in the state or territory on whose behalf the corresponding regulatory authority would execute the reciprocal agreement are substantially similar to the corresponding provisions of law in this State.

3. A reciprocal agreement entered into pursuant to subsection 1 must not authorize a person to practice his or her profession concurrently in this State unless the person:

(a) Has an active license to practice his or her profession in another state or territory of the United States.

(b) ~~Has~~ *Except as otherwise provided in this paragraph, has been in practice for at least the 5 years immediately preceding the date on which the person submits an application for the issuance of a license pursuant to a reciprocal agreement entered into pursuant to subsection 1. If the person seeks to practice as a licensed certified professional midwife in this State pursuant to sections 2 to 32, inclusive, of this act, the person must have been in practice for at least the 3 years immediately preceding the date on which the person submits an application for the issuance of a license pursuant to a reciprocal agreement entered into pursuant to subsection 1.*

(c) Has not had his or her license suspended or revoked in any state or territory of the United States.

(d) Has not been refused a license to practice in any state or territory of the United States for any reason.

(e) Is not involved in and does not have pending any disciplinary action concerning his or her license or practice in any state or territory of the United States.

(f) Pays any applicable fees for the issuance of a license that are otherwise required for a person to obtain a license in this State.

(g) Submits to the applicable regulatory body the statement required by NRS 425.520.

4. If the regulatory body enters into a reciprocal agreement pursuant to subsection 1, the regulatory body must prepare an annual report before January 31 of each year outlining the progress of the regulatory body as it relates to the reciprocal agreement and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature in odd-numbered years or to the Legislative Committee on Health Care in even-numbered years.

Sec. 35. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. "Provider of health care" means:

(a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;

(b) A physician assistant;

- (c) A dentist;
- (d) A licensed nurse;
- (e) A person who holds a license as an attendant or who is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS;
- (f) A dispensing optician;
- (g) An optometrist;
- (h) A speech-language pathologist;
- (i) An audiologist;
- (j) A practitioner of respiratory care;
- (k) A licensed physical therapist;
- (l) An occupational therapist;
- (m) A podiatric physician;
- (n) A licensed psychologist;
- (o) A licensed marriage and family therapist;
- (p) A licensed clinical professional counselor;
- (q) A music therapist;
- (r) A chiropractor;
- (s) An athletic trainer;
- (t) A perfusionist;
- (u) A doctor of Oriental medicine in any form;
- (v) A medical laboratory director or technician;
- (w) A pharmacist;
- (x) A licensed dietitian;
- (y) An associate in social work, a social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;
- (z) An alcohol and drug counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;
- (aa) An alcohol and drug counselor or a clinical alcohol and drug counselor who is licensed pursuant to chapter 641C of NRS; ~~for~~
- (bb) *A licensed certified professional midwife; or*
- (cc) A medical facility as the employer of any person specified in this subsection.

2. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes:

- (a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and
- (b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 36. NRS 630A.090 is hereby amended to read as follows:

630A.090 1. This chapter does not apply to:

- (a) The practice of dentistry, chiropractic, Oriental medicine, podiatry, optometry, perfusion, respiratory care, faith or Christian Science healing,

nursing, *certified professional midwifery*, veterinary medicine or fitting hearing aids.

(b) A medical officer of the Armed Forces or a medical officer of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

(c) Licensed or certified nurses in the discharge of their duties as nurses.

(d) Homeopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to any physician licensed in this State, and who are legally qualified to practice in the state or country where they reside.

2. This chapter does not repeal or affect any statute of Nevada regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in case of emergency.

(b) The domestic administration of family remedies.

4. This chapter does not authorize a homeopathic physician to practice medicine, including allopathic medicine, except as otherwise provided in NRS 630A.040.

Sec. 37. NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, *licensed certified professional midwife*, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, medication aide - certified, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, alcohol or drug counselor, music therapist, holder of a license or limited license issued pursuant to chapter 653 of NRS, driver of an ambulance, paramedic or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

(d) Any person who maintains or is employed by an agency to provide personal care services in the home.

(e) Any person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(f) Any person who maintains or is employed by an agency to provide nursing in the home.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Any social worker.

(l) Any person who operates or is employed by a community health worker pool or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

(m) Any person who operates or is employed by a peer support recovery organization.

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant or medication aide - certified has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The superintendent, manager or other person in charge shall make a report as required in subsection 1.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. As used in this section:

(a) "Agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

(b) "Community health worker pool" has the meaning ascribed to it in NRS 449.0028.

(c) "Peer support recovery organization" has the meaning ascribed to it in NRS 449.01563.

Sec. 38. NRS 633.171 is hereby amended to read as follows:

633.171 1. This chapter does not apply to:

(a) The practice of medicine or perfusion pursuant to chapter 630 of NRS, dentistry, chiropractic, podiatry, optometry, respiratory care, faith or Christian Science healing, nursing, *certified professional midwifery*, veterinary medicine or fitting hearing aids.

(b) A medical officer of the Armed Forces or a medical officer of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

(c) Osteopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to a physician licensed in this State, and who are legally qualified to practice in the state where they reside.

(d) Osteopathic physicians who are temporarily exempt from licensure pursuant to NRS 633.420 and are practicing osteopathic medicine within the scope of the exemption.

2. This chapter does not repeal or affect any law of this State regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in cases of emergency.

(b) The domestic administration of family remedies.

Sec. 39. NRS 637B.080 is hereby amended to read as follows:

637B.080 The provisions of this chapter do not apply to any person who:

1. Holds a current credential issued by the Department of Education pursuant to chapter 391 of NRS and any regulations adopted pursuant thereto and engages in the practice of audiology or speech-language pathology within the scope of that credential;

2. Is employed by the Federal Government and engages in the practice of audiology or speech-language pathology within the scope of that employment;

3. Is a student enrolled in a program or school approved by the Board, is pursuing a degree in audiology or speech-language pathology and is clearly designated to the public as a student; or

4. Holds a current license issued pursuant to chapters 630 to 637, inclusive, 640 to 641C, inclusive, or 653 of NRS ~~to~~ *or sections 2 to 32, inclusive, of this act,*

↪ and who does not engage in the private practice of audiology or speech-language pathology in this State.

Sec. 40. NRS 639.0125 is hereby amended to read as follows:

639.0125 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;

3. An advanced practice registered nurse who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

4. A physician assistant who:

(a) Holds a license issued by the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. A physician assistant who:

(a) Holds a license issued by the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the

supervision of an osteopathic physician as required by chapter 633 of NRS; ~~{or}~~

6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers pharmaceutical agents within the scope of his or her certification ~~{-}~~ ; or

7. *A licensed certified professional midwife, for the purpose of ordering:*

(a) *Any device or drug described in subsection 1 or 2 of section 26 of this act for use in his or her practice in accordance with the provisions of that section and any regulations adopted pursuant to section 18 of this act; and*

(b) *Any device or vaccine described in subsection 4 of section 26 of this act for a client.*

Sec. 41. NRS 639.23505 is hereby amended to read as follows:

639.23505 ~~{A}~~

1. *Except as otherwise provided in subsection 2, a practitioner shall not dispense for human consumption any controlled substance or dangerous drug if the practitioner charges a patient for that substance or drug, either separately or together with charges for other professional services:*

~~{1-}~~ (a) Unless the practitioner first applies for and obtains a certificate from the Board and pays the required fee; and

~~{2-}~~ (b) Issues a written prescription.

2. *A licensed certified professional midwife may administer drugs and devices ordered pursuant to section 26 of this act in accordance with the provisions of that section and any regulations adopted pursuant to section 18 of this act without obtaining a certificate from the Board.*

Sec. 42. NRS 640A.070 is hereby amended to read as follows:

640A.070 This chapter does not apply to a person:

1. Holding a current license or certificate issued pursuant to chapter 391, 630 to 637B, inclusive, 640 or 640B to 641B, inclusive, of NRS, *or sections 2 to 32, inclusive, of this act* who practices within the scope of that license or certificate.

2. Employed by the Federal Government who practices occupational therapy within the scope of that employment.

3. Enrolled in an educational program approved by the Board which is designed to lead to a certificate or degree in occupational therapy, if the person is designated by a title which clearly indicates that he or she is a student.

4. Obtaining the supervised fieldwork experience necessary to satisfy the requirements of subsection 3 of NRS 640A.120.

Sec. 43. NRS 640B.145 is hereby amended to read as follows:

640B.145 The provisions of this chapter do not apply to:

1. A person who is licensed pursuant to chapters 630 to 637, inclusive, or chapter 640 or 640A of NRS, *or sections 2 to 32, inclusive, of this act* when acting within the scope of that license.

2. A person who is employed by the Federal Government and engages in the practice of athletic training within the scope of that employment.

3. A person who is temporarily exempt from licensure pursuant to NRS 640B.335 and is practicing athletic training within the scope of the exemption.

Sec. 44. NRS 640C.100 is hereby amended to read as follows:

640C.100 1. The provisions of this chapter do not apply to:

(a) A person licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 640, 640A or 640B of NRS *or sections 2 to 32, inclusive, of this act* if the massage therapy, reflexology or structural integration is performed in the course of the practice for which the person is licensed.

(b) A person licensed as a barber or apprentice pursuant to chapter 643 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for a barber or apprentice pursuant to that chapter.

(c) A person licensed or registered as an esthetician, esthetician's apprentice, hair designer, hair designer's apprentice, hair braider, shampoo technologist, cosmetologist or cosmetologist's apprentice pursuant to chapter 644A of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for an esthetician, esthetician's apprentice, hair designer, hair designer's apprentice, hair braider, shampoo technologist, cosmetologist or cosmetologist's apprentice pursuant to that chapter.

(d) A person licensed or registered as a nail technologist or nail technologist's apprentice pursuant to chapter 644A of NRS if the person is massaging, cleansing or stimulating the hands, forearms, feet or lower legs within the permissible scope of practice for a nail technologist or nail technologist's apprentice.

(e) A person who is an employee of an athletic department of any high school, college or university in this State and who, within the scope of that employment, practices massage therapy, reflexology or structural integration on athletes.

(f) Students enrolled in a school of massage therapy, reflexology or structural integration recognized by the Board.

(g) A person who practices massage therapy, reflexology or structural integration solely on members of his or her immediate family.

(h) A person who performs any activity in a licensed brothel.

2. Except as otherwise provided in subsection 3 and NRS 640C.330, the provisions of this chapter preempt the licensure and regulation of a massage therapist, reflexologist or structural integration practitioner by a county, city or town, including, without limitation, conducting a criminal background investigation and examination of a massage therapist, reflexologist or structural integration practitioner or applicant for a license to practice massage therapy, reflexology or structural integration.

3. The provisions of this chapter do not prohibit a county, city or town from requiring a massage therapist, reflexologist or structural integration practitioner to obtain a license or permit to transact business within the

jurisdiction of the county, city or town, if the license or permit is required of other persons, regardless of occupation or profession, who transact business within the jurisdiction of the county, city or town.

4. As used in this section, "immediate family" means persons who are related by blood, adoption or marriage, within the second degree of consanguinity or affinity.

Sec. 45. The preliminary chapter of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise expressly provided in a particular statute or required by the context, "licensed certified professional midwife" means a person licensed as a licensed certified professional midwife pursuant to section 19 of this act.

Sec. 46. NRS 7.095 is hereby amended to read as follows:

7.095 1. An attorney shall not contract for or collect a fee contingent on the amount of recovery for representing a person seeking damages in connection with an action for injury or death against a provider of health care based upon professional negligence in excess of:

- (a) Forty percent of the first \$50,000 recovered;
- (b) Thirty-three and one-third percent of the next \$50,000 recovered;
- (c) Twenty-five percent of the next \$500,000 recovered; and
- (d) Fifteen percent of the amount of recovery that exceeds \$600,000.

2. The limitations set forth in subsection 1 apply to all forms of recovery, including, without limitation, settlement, arbitration and judgment.

3. For the purposes of this section, "recovered" means the net sum recovered by the plaintiff after deducting any disbursements or costs incurred in connection with the prosecution or settlement of the claim. Costs of medical care incurred by the plaintiff and general and administrative expenses incurred by the office of the attorney are not deductible disbursements or costs.

4. As used in this section:

(a) "Professional negligence" means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(b) "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, registered nurse, *licensed certified professional midwife*, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital and its employees.

Sec. 47. NRS 41.138 is hereby amended to read as follows:

41.138 1. In any civil action concerning any unwelcome or nonconsensual sexual conduct, including, without limitation, sexual

harassment, there is a rebuttable presumption that the sexual conduct was unwelcome or nonconsensual if the alleged perpetrator was a person in a position of authority over the alleged victim.

2. As used in this section:

(a) "Person in a position of authority" means a parent, relative, household member, employer, supervisor, youth leader, scout leader, coach, mentor in a mentoring program, teacher, professor, counselor, school administrator, religious leader, doctor, nurse, *licensed certified professional midwife, certified professional midwife student midwife, certified professional midwife birth assistant*, psychologist, other health care provider, guardian ad litem, guardian, babysitter, police officer or other law enforcement officer or any other person who, by reason of his or her position, is able to exercise significant or undue influence over the victim.

(b) "Sexual harassment" has the meaning ascribed to it in NRS 176A.280.

Sec. 48. NRS 41.505 is hereby amended to read as follows:

41.505 1. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* and any person who holds an equivalent license issued by another state, who renders emergency care or assistance, including, without limitation, emergency obstetrical care or assistance, in an emergency, gratuitously and in good faith, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering the emergency care or assistance or as a result of any failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person. This section does not excuse a physician, physician assistant, ~~or~~ nurse *or licensed certified professional midwife* from liability for damages resulting from that person's acts or omissions which occur in a licensed medical facility relative to any person with whom there is a preexisting relationship as a patient.

2. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* and any person who holds an equivalent license issued by another state who:

(a) Is retired or otherwise does not practice on a full-time basis; and

(b) Gratuitously and in good faith, renders medical care within the scope of that person's license to an indigent person,

➤ is not liable for any civil damages as a result of any act or omission by that person, not amounting to gross negligence or reckless, willful or wanton conduct, in rendering that care.

3. Any person licensed to practice medicine under the provisions of chapter 630 or 633 of NRS or licensed to practice dentistry under the provisions of chapter 631 of NRS who renders care or assistance to a patient for a governmental entity or a nonprofit organization is not liable for any civil damages as a result of any act or omission by that person in rendering that care or assistance if the care or assistance is rendered gratuitously, in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct.

4. As used in this section, "gratuitously" has the meaning ascribed to it in NRS 41.500.

Sec. 49. NRS 41.506 is hereby amended to read as follows:

41.506 1. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* and any person who holds an equivalent license issued by another state who renders emergency obstetrical care or assistance to a pregnant woman during labor or the delivery of the child is not liable for any civil damages as a result of any act or omission by that person in rendering that care or assistance if:

(a) The care or assistance is rendered in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct;

(b) The person has not previously provided prenatal or obstetrical care to the woman; and

(c) The damages are reasonably related to or primarily caused by a lack of prenatal care received by the woman.

2. A licensed medical facility in which such care or assistance is rendered is not liable for any civil damages as a result of any act or omission by the person in rendering that care or assistance if that person is not liable for any civil damages pursuant to subsection 1 and the actions of the medical facility relating to the rendering of that care or assistance do not amount to gross negligence or reckless, willful or wanton conduct.

Sec. 50. NRS 41A.017 is hereby amended to read as follows:

41A.017 "Provider of health care" means a physician licensed pursuant to chapter 630 or 633 of NRS, physician assistant, dentist, licensed nurse, *licensed certified professional midwife*, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital, clinic, surgery center, physicians' professional corporation or group practice that employs any such person and its employees.

Sec. 51. NRS 42.021 is hereby amended to read as follows:

42.021 1. In an action for injury or death against a provider of health care based upon professional negligence, if the defendant so elects, the defendant may introduce evidence of any amount payable as a benefit to the plaintiff as a result of the injury or death pursuant to the United States Social Security Act, any state or federal income disability or worker's compensation act, any health, sickness or income-disability insurance, accident insurance that provides health benefits or income-disability coverage, and any contract or agreement of any group, organization, partnership or corporation to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services. If the defendant elects to introduce such evidence, the plaintiff may introduce evidence of any amount that the plaintiff has paid or contributed to secure the plaintiff's right to any insurance benefits concerning which the defendant has introduced evidence.

2. A source of collateral benefits introduced pursuant to subsection 1 may not:

- (a) Recover any amount against the plaintiff; or
- (b) Be subrogated to the rights of the plaintiff against a defendant.

3. In an action for injury or death against a provider of health care based upon professional negligence, a district court shall, at the request of either party, enter a judgment ordering that money damages or its equivalent for future damages of the judgment creditor be paid in whole or in part by periodic payments rather than by a lump-sum payment if the award equals or exceeds \$50,000 in future damages.

4. In entering a judgment ordering the payment of future damages by periodic payments pursuant to subsection 3, the court shall make a specific finding as to the dollar amount of periodic payments that will compensate the judgment creditor for such future damages. As a condition to authorizing periodic payments of future damages, the court shall require a judgment debtor who is not adequately insured to post security adequate to assure full payment of such damages awarded by the judgment. Upon termination of periodic payments of future damages, the court shall order the return of this security, or so much as remains, to the judgment debtor.

5. A judgment ordering the payment of future damages by periodic payments entered pursuant to subsection 3 must specify the recipient or recipients of the payments, the dollar amount of the payments, the interval between payments, and the number of payments or the period of time over which payments will be made. Such payments must only be subject to modification in the event of the death of the judgment creditor. Money damages awarded for loss of future earnings must not be reduced or payments terminated by reason of the death of the judgment creditor, but must be paid to persons to whom the judgment creditor owed a duty of support, as provided by law, immediately before the judgment creditor's death. In such cases, the court that rendered the original judgment may, upon petition of any party in interest, modify the judgment to award and apportion the unpaid future damages in accordance with this subsection.

6. If the court finds that the judgment debtor has exhibited a continuing pattern of failing to make the periodic payments as specified pursuant to subsection 5, the court shall find the judgment debtor in contempt of court and, in addition to the required periodic payments, shall order the judgment debtor to pay the judgment creditor all damages caused by the failure to make such periodic payments, including, but not limited to, court costs and attorney's fees.

7. Following the occurrence or expiration of all obligations specified in the periodic payment judgment, any obligation of the judgment debtor to make further payments ceases and any security given pursuant to subsection 4 reverts to the judgment debtor.

8. As used in this section:

(a) "Future damages" includes damages for future medical treatment, care or custody, loss of future earnings, loss of bodily function, or future pain and suffering of the judgment creditor.

(b) "Periodic payments" means the payment of money or delivery of other property to the judgment creditor at regular intervals.

(c) "Professional negligence" means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(d) "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, licensed nurse, *licensed certified professional midwife*, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital and its employees.

Sec. 52. NRS 52.320 is hereby amended to read as follows:

52.320 As used in NRS 52.320 to 52.375, inclusive, unless the context otherwise requires:

1. "Custodian of medical records" means a chiropractor, physician, registered physical therapist, ~~for~~ licensed nurse or *licensed certified professional midwife* who prepares and maintains medical records, or any employee or agent of such a person or a facility for convalescent care, medical laboratory or hospital who has care, custody and control of medical records for such a person or institution.

2. "Medical records" includes bills, ledgers, statements and other accounts which show the cost of medical services or care provided to a patient.

Sec. 53. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office; or

(3) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the

older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, *licensed certified professional midwife*, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug counselor, alcohol and drug counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian, holder of a license or a limited license issued under the provisions of chapter 653 of NRS or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person or vulnerable person who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(g) Any employee of the Department of Health and Human Services, except the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125 and any of his or her advocates or volunteers where prohibited from making such a report pursuant to 45 C.F.R. § 1321.11.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons or vulnerable persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

(m) Every person who operates or is employed by a peer support recovery organization, as defined in NRS 449.01563.

(n) Every person who operates or is employed by a community health worker pool, as defined in NRS 449.0028, or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person or vulnerable person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person or vulnerable person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons created by NRS 179A.450; and

(c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person or vulnerable person is abused, neglected, exploited, isolated or abandoned, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person or vulnerable person if the older person or vulnerable person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 54. NRS 200.5095 is hereby amended to read as follows:

200.5095 1. Reports made pursuant to NRS 200.5093 and 200.5094, and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, except:

- (a) Pursuant to a criminal prosecution;
- (b) Pursuant to NRS 200.50982; or
- (c) To persons or agencies enumerated in subsection 3,

↪ is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is available only to:

(a) A physician who is providing care to an older person or a vulnerable person who may have been abused, neglected, exploited, isolated or abandoned;

(b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person;

(c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person;

(d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;

(e) A person engaged in bona fide research, but the identity of the subjects of the report must remain confidential;

(f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;

(g) Any comparable authorized person or agency in another jurisdiction;

(h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the legal guardian of the older person or vulnerable person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(i) If the older person or vulnerable person is deceased, the executor or administrator of his or her estate, if the identity of the person who was

responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited, isolated or abandoned, if that person is not legally incapacitated;

(k) An attorney appointed by a court to represent a protected person in a guardianship proceeding pursuant to NRS 159.0485, if:

(1) The protected person is an older person or vulnerable person;

(2) The identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected; and

(3) The attorney of the protected person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment; or

(l) The State Guardianship Compliance Office created by NRS 159.341.

4. If the person who is reported to have abused, neglected, exploited, isolated or abandoned an older person or a vulnerable person is the holder of a license ~~or~~ or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, 653 or 654 of NRS ~~or sections 2 to 32, inclusive, of this act~~, the information contained in the report must be submitted to the board that issued the license.

5. If data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is made available pursuant to paragraph (b) or (j) of subsection 3 or subsection 4, the name and any other identifying information of the person who made the report must be redacted before the data or information is made available.

Sec. 55. NRS 218G.400 is hereby amended to read as follows:

218G.400 1. Except as otherwise provided in subsection 2, each board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, *and sections 2 to 32, inclusive, of this act*, 648, 654 and 656 of NRS shall:

(a) If the revenue of the board from all sources is less than \$200,000 for any fiscal year and, if the board is a regulatory body pursuant to NRS 622.060, the board has submitted to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100, prepare a balance sheet for that fiscal year on the form provided by the Legislative Auditor and file the balance sheet with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year. The Legislative Auditor shall prepare and make available a form that must be used by a board to prepare such a balance sheet.

(b) If the revenue of the board from all sources is \$200,000 or more for any fiscal year, or if the board is a regulatory body pursuant to NRS 622.060 and

has failed to submit to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100, engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for that fiscal year and file a report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year.

2. In lieu of preparing a balance sheet or having an audit conducted for a single fiscal year, a board may engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for a period covering two successive fiscal years. If such an audit is conducted, the board shall file the report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of the second fiscal year.

3. The cost of each audit conducted pursuant to subsection 1 or 2 must be paid by the board that is audited. Each such audit must be conducted in accordance with generally accepted auditing standards, and all financial statements must be prepared in accordance with generally accepted principles of accounting for special revenue funds.

4. Whether or not a board is required to have its fiscal records audited pursuant to subsection 1 or 2, the Legislative Auditor shall audit the fiscal records of any such board whenever directed to do so by the Legislative Commission. When the Legislative Commission directs such an audit, the Legislative Commission shall also determine who is to pay the cost of the audit.

5. A person who is a state officer or employee of a board is guilty of nonfeasance if the person:

(a) Is responsible for preparing a balance sheet or having an audit conducted pursuant to this section or is responsible for preparing or maintaining the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section; and

(b) Knowingly fails to prepare the balance sheet or have the audit conducted pursuant to this section or knowingly fails to prepare or maintain the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section.

6. In addition to any other remedy or penalty, a person who is guilty of nonfeasance pursuant to this section forfeits the person's state office or employment and may not be appointed to a state office or position of state employment for a period of 2 years following the forfeiture. The provisions of this subsection do not apply to a state officer who may be removed from office only by impeachment pursuant to Article 7 of the Nevada Constitution.

Sec. 56. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

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

- (1) The Administrator of the Aging and Disability Services Division;
- (2) The Administrator of the Division of Welfare and Supportive Services;
- (3) The Administrator of the Division of Child and Family Services;
- (4) The Administrator of the Division of Health Care Financing and Policy; and
- (5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and section 65 of this act*, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

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

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

- (1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;
- (2) Set forth priorities for the provision of those services;
- (3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;
- (4) Identify the sources of funding for services provided by the Department and the allocation of that funding;
- (5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and
- (6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

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

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

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

Sec. 57. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207, 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760, 440.170,

441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325, 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 30 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

(a) The public record:

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

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

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

(1) Give access to proprietary software; or

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

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

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

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

Sec. 58. NRS 284.013 is hereby amended to read as follows:

284.013 1. Except as otherwise provided in subsection 4, this chapter does not apply to:

(a) Agencies, bureaus, commissions, officers or personnel in the Legislative Department or the Judicial Department of State Government, including the Commission on Judicial Discipline;

(b) Any person who is employed by a board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, *and sections 2 to 32, inclusive, of this act*, 648, 652, 654 and 656 of NRS; or

(c) Officers or employees of any agency of the Executive Department of the State Government who are exempted by specific statute.

2. Except as otherwise provided in subsection 3, the terms and conditions of employment of all persons referred to in subsection 1, including salaries not prescribed by law and leaves of absence, including, without limitation, annual leave and sick and disability leave, must be fixed by the appointing or

employing authority within the limits of legislative appropriations or authorizations.

3. Except as otherwise provided in this subsection, leaves of absence prescribed pursuant to subsection 2 must not be of lesser duration than those provided for other state officers and employees pursuant to the provisions of this chapter. The provisions of this subsection do not govern the Legislative Commission with respect to the personnel of the Legislative Counsel Bureau.

4. Any board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 652, 654 and 656 of NRS which contracts for the services of a person, shall require the contract for those services to be in writing. The contract must be approved by the State Board of Examiners before those services may be provided.

5. To the extent that they are inconsistent or otherwise in conflict, the provisions of this chapter do not apply to any terms and conditions of employment that are properly within the scope of and subject to the provisions of a collective bargaining agreement or a supplemental bargaining agreement that is enforceable pursuant to the provisions of NRS 288.400 to 288.630, inclusive.

Sec. 59. NRS 353.005 is hereby amended to read as follows:

353.005 Except as otherwise provided in NRS 353.007, the provisions of this chapter do not apply to boards created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, *and sections 2 to 32, inclusive, of this act*, 648, 654 and 656 of NRS and the officers and employees of those boards.

Sec. 60. NRS 353A.020 is hereby amended to read as follows:

353A.020 1. The Director, in consultation with the Committee and Legislative Auditor, shall adopt a uniform system of internal accounting and administrative control for agencies. The elements of the system must include, without limitation:

(a) A plan of organization which provides for a segregation of duties appropriate to safeguard the assets of the agency;

(b) A plan which limits access to assets of the agency to persons who need the assets to perform their assigned duties;

(c) Procedures for authorizations and recordkeeping which effectively control accounting of assets, liabilities, revenues and expenses;

(d) A system of practices to be followed in the performance of the duties and functions of each agency; and

(e) An effective system of internal review.

2. The Director, in consultation with the Committee and Legislative Auditor, may modify the system whenever the Director considers it necessary.

3. Each agency shall develop written procedures to carry out the system of internal accounting and administrative control adopted pursuant to this section.

4. For the purposes of this section, "agency" does not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, *and sections 2 to 32, inclusive, of this act*, 648, 654 and 656 of NRS.

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

Sec. 61. NRS 353A.025 is hereby amended to read as follows:

353A.025 1. The head of each agency shall periodically review the agency's system of internal accounting and administrative control to determine whether it is in compliance with the uniform system of internal accounting and administrative control for agencies adopted pursuant to subsection 1 of NRS 353A.020.

2. On or before July 1 of each even-numbered year, the head of each agency shall report to the Director whether the agency's system of internal accounting and administrative control is in compliance with the uniform system adopted pursuant to subsection 1 of NRS 353A.020. The reports must be made available for inspection by the members of the Legislature.

3. For the purposes of this section, "agency" does not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, *and sections 2 to 32, inclusive, of this act*, 648, 654 and 656 of NRS.

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

4. The Director shall, on or before the first Monday in February of each odd-numbered year, submit a report on the status of internal accounting and administrative controls in agencies to the:

(a) Director of the Legislative Counsel Bureau for transmittal to the:

(1) Senate Standing Committee on Finance; and

(2) Assembly Standing Committee on Ways and Means;

(b) Governor; and

(c) Legislative Auditor.

5. The report submitted by the Director pursuant to subsection 4 must include, without limitation:

(a) The identification of each agency that has not complied with the requirements of subsections 1 and 2;

(b) The identification of each agency that does not have an effective method for reviewing its system of internal accounting and administrative control; and

(c) The identification of each agency that has weaknesses in its system of internal accounting and administrative control, and the extent and types of such weaknesses.

Sec. 62. NRS 353A.045 is hereby amended to read as follows:

353A.045 The Administrator shall:

1. Report to the Director.
 2. Develop long-term and annual work plans to be based on the results of periodic documented risk assessments. The annual work plan must list the agencies to which the Division will provide training and assistance and be submitted to the Director for approval. Such agencies must not include:
 - (a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, *and sections 2 to 32, inclusive, of this act*, 648, 654 and 656 of NRS.
 - (b) The Nevada System of Higher Education.
 - (c) The Public Employees' Retirement System.
 - (d) The Housing Division of the Department of Business and Industry.
 - (e) The Colorado River Commission of Nevada.
 3. Provide a copy of the approved annual work plan to the Legislative Auditor.
 4. In consultation with the Director, prepare a plan for auditing executive branch agencies for each fiscal year and present the plan to the Committee for its review and approval. Each plan for auditing must:
 - (a) State the agencies which will be audited, the proposed scope and assignment of those audits and the related resources which will be used for those audits; and
 - (b) Ensure that the internal accounting, administrative controls and financial management of each agency are reviewed periodically.
 5. Perform the audits of the programs and activities of the agencies in accordance with the plan approved pursuant to subsection 5 of NRS 353A.038 and prepare audit reports of his or her findings.
 6. Review each agency that is audited pursuant to subsection 5 and advise those agencies concerning internal accounting, administrative controls and financial management.
 7. Submit to each agency that is audited pursuant to subsection 5 analyses, appraisals and recommendations concerning:
 - (a) The adequacy of the internal accounting and administrative controls of the agency; and
 - (b) The efficiency and effectiveness of the management of the agency.
 8. Report any possible abuses, illegal actions, errors, omissions and conflicts of interest of which the Division becomes aware during the performance of an audit.
 9. Adopt the standards of The Institute of Internal Auditors for conducting and reporting on internal audits.
 10. Consult with the Legislative Auditor concerning the plan for auditing and the scope of audits to avoid duplication of effort and undue disruption of the functions of agencies that are audited pursuant to subsection 5.
- Sec. 63. NRS 372.7285 is hereby amended to read as follows:
- 372.7285 1. In administering the provisions of NRS 372.325, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to

whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

- (a) The medical device was ordered or prescribed by a provider of health care, within his or her scope of practice, for use by the person to whom it is provided;
- (b) The medical device is covered by Medicaid or Medicare; and
- (c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical device and the person who sells the medical device to the governmental entity.

2. As used in this section:

(a) "Medicaid" means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(b) "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) "Provider of health care" means a physician or physician assistant licensed pursuant to chapter 630, 630A or 633 of NRS, perfusionist, dentist, licensed nurse, *licensed certified professional midwife*, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech-language pathologist, licensed hearing aid specialist, licensed marriage and family therapist, licensed clinical professional counselor, chiropractor, licensed dietitian or doctor of Oriental medicine in any form.

Sec. 64. NRS 374.731 is hereby amended to read as follows:

374.731 1. In administering the provisions of NRS 374.330, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

- (a) The medical device was ordered or prescribed by a provider of health care, within his or her scope of practice, for use by the person to whom it is provided;
- (b) The medical device is covered by Medicaid or Medicare; and
- (c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical device and the person who sells the medical device to the governmental entity.

2. As used in this section:

(a) "Medicaid" means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(b) "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) "Provider of health care" means a physician or physician assistant licensed pursuant to chapter 630, 630A or 633 of NRS, perfusionist, dentist, licensed nurse, *licensed certified professional midwife*, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech-language pathologist, licensed hearing aid specialist, licensed marriage and family therapist, licensed clinical professional counselor, chiropractor, licensed dietitian or doctor of Oriental medicine in any form.

Sec. 65. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *To the extent authorized by federal law, the Director shall include a requirement in the State Plan for Medicaid a requirement that, except as otherwise provided in subsection 2, the State pay the nonfederal share of expenditures incurred for services rendered by a licensed certified professional midwife. Such services must be reimbursed at a comparable rate to similar services provided by other providers of health care, including, without limitation, physicians, physician assistants and advanced practice registered nurses, regardless of the location at which the services are provided.*

2. *The Department or a managed care organization, including, without limitation, a health maintenance organization, that provides health care services to recipients of Medicaid under the State Plan for Medicaid may charge a copayment or coinsurance or apply a deductible for the services described in subsection 1. The amount of such a copayment, coinsurance or deductible must not exceed the amount of the copayment, coinsurance or deductible charged for the same services provided by another provider of health care.*

3. *As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.*

Sec. 66. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is

receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by a fetal alcohol spectrum disorder or prenatal substance use disorder or has withdrawal symptoms resulting from prenatal substance exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C or 653 of NRS ~~[-]~~ or sections 2 to 32, inclusive, of this act.

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person employed by a public school or private school and any person who serves as a volunteer at such a school.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children, including, without limitation, a person who is employed by a school district or public school.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

9. Before a person may serve as a volunteer at a public school or private school, the school must:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section and NRS 392.303;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section and NRS 392.303; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person serves as a volunteer at the school.

10. As used in this section:

(a) "Private school" has the meaning ascribed to it in NRS 394.103.

(b) "Public school" has the meaning ascribed to it in NRS 385.007.

Sec. 67. NRS 439A.0195 is hereby amended to read as follows:

439A.0195 "Practitioner" means a physician licensed under chapter 630, 630A or 633 of NRS, dentist, licensed nurse, *licensed certified professional midwife*, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine in any form, medical laboratory director or technician, pharmacist or other person whose principal occupation is the provision of services for health.

Sec. 68. NRS 439B.225 is hereby amended to read as follows:

439B.225 1. As used in this section, "licensing board" means any division or board empowered to adopt standards for the issuance or renewal of licenses, permits or certificates of registration pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640D, 641, 641A, 641B, 641C, 652, 653 or 654 of NRS ~~and~~ *and sections 2 to 32, inclusive, of this act.*

2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the board, giving consideration to:

(a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;

(b) The effect of the regulation on the cost of health care in this State;

(c) The effect of the regulation on the number of licensed, permitted or registered persons and facilities available to provide services in this State; and

(d) Any other related factor the Committee deems appropriate.

3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.

4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.

Sec. 69. Chapter 440 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this chapter, "midwife" means any type of midwife, including, without limitation, a licensed certified professional midwife, a certified nurse-midwife or any person who engages in the practice of certified professional midwifery.

Sec. 70. NRS 440.280 is hereby amended to read as follows:

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

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

(a) The physician or *advanced practice registered nurse* in attendance at or immediately after the birth.

(b) *The licensed certified professional midwife in attendance at or immediately after the birth.*

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

~~{{e}}~~ (d) The father, mother or, if the father is absent and the mother is incapacitated, the person in charge of the premises where the birth occurred.

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

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

5. If the mother was:

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

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

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

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

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

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

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

(a) The provisions of paragraph (b) of subsection 5 are applicable;

(b) A court has issued an order establishing that the person is the other parent of the child; or

(c) The parents of the child have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285. If both parents execute a declaration consenting to the use of the surname of one parent as the surname of the child, the name of that parent must be entered on the original certificate of birth and the surname of that parent must be entered thereon as the surname of the child.

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

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

Sec. 71. NRS 440.770 is hereby amended to read as follows:

440.770 Any person who furnishes false information to a physician, advanced practice registered nurse, *licensed certified professional midwife*, funeral director, midwife or informant for the purpose of making incorrect certification of births or deaths shall be punished by a fine of not more than \$250.

Sec. 72. NRS 441A.110 is hereby amended to read as follows:

441A.110 "Provider of health care" means a physician, nurse, *licensed certified professional midwife* or veterinarian licensed in accordance with state law or a physician assistant licensed pursuant to chapter 630 or 633 of NRS.

Sec. 73. NRS 442.003 is hereby amended to read as follows:

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

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

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

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

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

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

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

7. "Midwife" means any type of midwife, including, without limitation, a licensed certified professional midwife, a certified nurse-midwife or any person who engages in the practice of certified professional midwifery.

8. "Obstetric center" has the meaning ascribed to it in NRS 449.0155.

~~8.~~ 9. "Provider of health care or other services" means:

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

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

(c) A licensed nurse;

(d) A licensed psychologist;

(e) A licensed marriage and family therapist;

(f) A licensed clinical professional counselor;

(g) A licensed social worker;

(h) A licensed dietitian; ~~for~~

(i) A licensed certified professional midwife; or

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

Sec. 74. NRS 442.119 is hereby amended to read as follows:

442.119 As used in NRS 442.119 to 442.1198, inclusive, unless the context otherwise requires:

1. "Health officer" includes a local health officer, a city health officer, a county health officer and a district health officer.

2. "Medicaid" has the meaning ascribed to it in NRS 439B.120.

3. "Medicare" has the meaning ascribed to it in NRS 439B.130.

4. "Provider of prenatal care" means:

(a) A physician who is licensed in this State and certified in obstetrics and gynecology, family practice, general practice or general surgery.

(b) A certified nurse midwife who is licensed by the State Board of Nursing.

(c) An advanced practice registered nurse who is licensed by the State Board of Nursing pursuant to NRS 632.237 and who has specialized skills and training in obstetrics or family nursing.

(d) A physician assistant licensed pursuant to chapter 630 or 633 of NRS who has specialized skills and training in obstetrics or family practice.

(e) A licensed certified professional midwife.

Sec. 75. NRS 442.610 is hereby amended to read as follows:

442.610 "Provider of health care" means:

1. A provider of health care as defined in NRS 629.031 ~~[-]~~, *including, without limitation, a licensed certified professional midwife; and*
2. ~~[-]~~ ~~A midwife; and~~
- ~~3.]~~ An obstetric center licensed pursuant to chapter 449 of NRS.

Sec. 76. NRS 454.00958 is hereby amended to read as follows:

454.00958 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a valid license to practice his or her profession in this State.
2. A pharmacy, hospital or other institution licensed or registered to distribute, dispense, conduct research with respect to or to administer a dangerous drug in the course of professional practice in this State.
3. When relating to the prescription of poisons, dangerous drugs and devices:
 - (a) An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy permitting him or her so to prescribe; or
 - (b) A physician assistant who holds a license from the Board of Medical Examiners and a certificate from the State Board of Pharmacy permitting him or her so to prescribe.
4. An optometrist who is certified to prescribe and administer pharmaceutical agents pursuant to NRS 636.288 when the optometrist prescribes or administers dangerous drugs which are within the scope of his or her certification.
5. *A licensed certified professional midwife, for the purpose of ordering:*
 - (a) *Any device or drug described in subsection 1 or 2 of section 26 of this act for use in his or her practice; or*
 - (b) *Any device or vaccine described in subsection 4 of section 26 of this act for a client.*

Sec. 77. NRS 454.213 is hereby amended to read as follows:

454.213 1. Except as otherwise provided in NRS 454.217, a drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

- (a) A practitioner.
- (b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.
- (c) Except as otherwise provided in paragraph (d), a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

(d) In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(1) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(2) Acting under the direction of the medical director of that agency or facility who works in this State.

(e) A medication aide - certified at a designated facility under the supervision of an advanced practice registered nurse or registered nurse and in accordance with standard protocols developed by the State Board of Nursing. As used in this paragraph, "designated facility" has the meaning ascribed to it in NRS 632.0145.

(f) Except as otherwise provided in paragraph (g), an advanced emergency medical technician or a paramedic, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(1) The State Board of Health in a county whose population is less than 100,000;

(2) A county board of health in a county whose population is 100,000 or more; or

(3) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

(g) An advanced emergency medical technician or a paramedic who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

(h) A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

(i) A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

(j) A medical student or student nurse in the course of his or her studies at an accredited college of medicine or approved school of professional or practical nursing, at the direction of a physician and:

(1) In the presence of a physician or a registered nurse; or

(2) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

➡ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

(k) Any person designated by the head of a correctional institution.

(l) An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

(m) A holder of a license to engage in radiation therapy and radiologic imaging issued pursuant to chapter 653 of NRS, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

(n) A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

(o) A physical therapist, but only if the drug or medicine is a topical drug which is:

(1) Used for cooling and stretching external tissue during therapeutic treatments; and

(2) Prescribed by a licensed physician for:

(I) Iontophoresis; or

(II) The transmission of drugs through the skin using ultrasound.

(p) In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

(q) A veterinary technician or a veterinary assistant at the direction of his or her supervising veterinarian.

(r) In accordance with applicable regulations of the Board, a registered pharmacist who:

(1) Is trained in and certified to carry out standards and practices for immunization programs;

(2) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(3) Administers immunizations in compliance with the "Standards for Immunization Practices" recommended and approved by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

(s) A registered pharmacist pursuant to written guidelines and protocols developed and approved pursuant to NRS 639.2629 or a collaborative practice agreement, as defined in NRS 639.0052.

(t) A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, physical therapist or veterinary technician or to obtain a license to engage in radiation therapy and radiologic imaging pursuant to chapter 653 of NRS if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, physical therapist, veterinary technician or person licensed to engage in radiation therapy and radiologic imaging who may possess and administer the drug or medicine, and under the

direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

(u) A medical assistant, in accordance with applicable regulations of the:

(1) Board of Medical Examiners, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(2) State Board of Osteopathic Medicine, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(v) *A certified professional midwife student midwife or certified professional midwife birth assistant who is administering the medicine or drug under the direct supervision of a licensed certified professional midwife as authorized by sections 2 to 32, inclusive, of this act and any regulations adopted pursuant thereto.*

2. As used in this section, "accredited college of medicine" has the meaning ascribed to it in NRS 453.375.

Sec. 78. NRS 454.361 is hereby amended to read as follows:

454.361 A conviction of the violation of any of the provisions of NRS 454.181 to 454.371, inclusive, constitutes grounds for the suspension or revocation of any license issued to such person pursuant to the provisions of chapters 630, 631, 633, 635, 636, 638, 639 or 653 of NRS ~~1-3~~ *or sections 2 to 32, inclusive, of this act.*

Sec. 79. NRS 608.0116 is hereby amended to read as follows:

608.0116 "Professional" means pertaining to:

1. An employee who is licensed or certified by the State of Nevada for and engaged in the practice of law or any of the professions regulated by chapters 623 to 645, inclusive, 645G and 656A of NRS ~~1-3~~ *and sections 2 to 32, inclusive, of this act.*

2. A creative professional as described in 29 C.F.R. § 541.302 who is not an employee of a contractor as that term is defined in NRS 624.020.

Sec. 80. NRS 679B.440 is hereby amended to read as follows:

679B.440 1. The Commissioner may require that reports submitted pursuant to NRS 679B.430 include, without limitation, information regarding:

(a) Liability insurance provided to:

(1) Governmental agencies and political subdivisions of this State, reported separately for:

- (I) Cities and towns;
- (II) School districts; and
- (III) Other political subdivisions;

(2) Public officers;

(3) Establishments where alcoholic beverages are sold;

(4) Facilities for the care of children;

(5) Labor, fraternal or religious organizations; and

(6) Officers or directors of organizations formed pursuant to title 7 of NRS, reported separately for nonprofit entities and entities organized for profit;

(b) Liability insurance for:

(1) Defective products;

(2) Medical or dental malpractice of:

(I) A practitioner licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639 or 640 of NRS *or sections 2 to 32, inclusive, of this act* or who holds a license or limited license issued pursuant to chapter 653 of NRS;

(II) A hospital or other health care facility; or

(III) Any related corporate entity;

(3) Malpractice of attorneys;

(4) Malpractice of architects and engineers; and

(5) Errors and omissions by other professionally qualified persons;

(c) Vehicle insurance, reported separately for:

(1) Private vehicles;

(2) Commercial vehicles;

(3) Liability insurance; and

(4) Insurance for property damage; and

(d) Workers' compensation insurance.

2. The Commissioner may require that the report include, without limitation, information specifically pertaining to this State or to an insurer in its entirety, in the aggregate or by type of insurance, and for a previous or current year, regarding:

(a) Premiums directly written;

(b) Premiums directly earned;

(c) Number of policies issued;

(d) Net investment income, using appropriate estimates when necessary;

(e) Losses paid;

(f) Losses incurred;

(g) Loss reserves, including:

(1) Losses unpaid on reported claims; and

(2) Losses unpaid on incurred but not reported claims;

(h) Number of claims, including:

(1) Claims paid; and

(2) Claims that have arisen but are unpaid;

(i) Expenses for adjustment of losses, including allocated and unallocated losses;

(j) Net underwriting gain or loss;

(k) Net operation gain or loss, including net investment income; and

(l) Any other information requested by the Commissioner.

3. The Commissioner may also obtain, based upon an insurer in its entirety, information regarding:

(a) Recoverable federal income tax;

(b) Net unrealized capital gain or loss; and

(c) All other expenses not included in subsection 2.

Sec. 81. NRS 686A.2825 is hereby amended to read as follows:

686A.2825 "Practitioner" means:

1. A physician, dentist, nurse, *licensed certified professional midwife*, dispensing optician, optometrist, physical therapist, podiatric physician, psychologist, chiropractor, doctor of Oriental medicine in any form, director or technician of a medical laboratory, pharmacist, person who holds a license to engage in radiation therapy and radiologic imaging or a limited license to engage in radiologic imaging pursuant to chapter 653 of NRS or other provider of health services who is authorized to engage in his or her occupation by the laws of this state or another state; and

2. An attorney admitted to practice law in this state or any other state.

Sec. 82. NRS 686B.030 is hereby amended to read as follows:

686B.030 1. Except as otherwise provided in subsection 2 and NRS 686B.125, the provisions of NRS 686B.010 to 686B.1799, inclusive, apply to all kinds and lines of direct insurance written on risks or operations in this State by any insurer authorized to do business in this State, except:

- (a) Ocean marine insurance;
- (b) Contracts issued by fraternal benefit societies;
- (c) Life insurance and credit life insurance;
- (d) Variable and fixed annuities;
- (e) Credit accident and health insurance;
- (f) Property insurance for business and commercial risks;
- (g) Casualty insurance for business and commercial risks other than insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS *and sections 2 to 32, inclusive, of this act* or who holds a license or limited license issued pursuant to chapter 653 of NRS;
- (h) Surety insurance;
- (i) Health insurance offered through a group health plan maintained by a large employer; and
- (j) Credit involuntary unemployment insurance.

2. The exclusions set forth in paragraphs (f) and (g) of subsection 1 extend only to issues related to the determination or approval of premium rates.

Sec. 83. NRS 686B.040 is hereby amended to read as follows:

686B.040 1. Except as otherwise provided in subsection 2, the Commissioner may by rule exempt any person or class of persons or any market segment from any or all of the provisions of NRS 686B.010 to 686B.1799, inclusive, if and to the extent that the Commissioner finds their application unnecessary to achieve the purposes of those sections.

2. The Commissioner may not, by rule or otherwise, exempt an insurer from the provisions of NRS 686B.010 to 686B.1799, inclusive, with regard to insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* for a breach of the practitioner's professional duty toward a patient.

Sec. 84. NRS 686B.115 is hereby amended to read as follows:

686B.115 1. Any hearing held by the Commissioner to determine whether rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive, must be open to members of the public.

2. All costs for transcripts prepared pursuant to such a hearing must be paid by the insurer requesting the hearing.

3. At any hearing which is held by the Commissioner to determine whether rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive, and which involves rates for insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* for a breach of the practitioner's professional duty toward a patient, if a person is not otherwise authorized pursuant to this title to become a party to the hearing by intervention, the person is entitled to provide testimony at the hearing if, not later than 2 days before the date set for the hearing, the person files with the Commissioner a written statement which states:

(a) The name and title of the person;

(b) The interest of the person in the hearing; and

(c) A brief summary describing the purpose of the testimony the person will offer at the hearing.

4. If a person provides testimony at a hearing in accordance with subsection 3:

(a) The Commissioner may, if the Commissioner finds it necessary to preserve order, prevent inordinate delay or protect the rights of the parties at the hearing, place reasonable limitations on the duration of the testimony and prohibit the person from providing testimony that is not relevant to the issues raised at the hearing.

(b) The Commissioner shall consider all relevant testimony provided by the person at the hearing in determining whether the rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive.

Sec. 85. NRS 689A.035 is hereby amended to read as follows:

689A.035 1. An insurer shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the insurer to its insureds.

2. An insurer shall not contract with a provider of health care to provide health care to an insured unless the insurer uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between an insurer and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the insurer upon giving to the provider 45 days' written notice of the modification of the insurer's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to

the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If an insurer contracts with a provider of health care to provide health care to an insured, the insurer shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or~~ *or sections 2 to 32, inclusive, of this act.*

Sec. 86. NRS 689B.015 is hereby amended to read as follows:

689B.015 1. An insurer that issues a policy of group health insurance shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the insurer to its insureds.

2. An insurer specified in subsection 1 shall not contract with a provider of health care to provide health care to an insured unless the insurer uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between an insurer specified in subsection 1 and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the insurer upon giving to the provider 45 days' written notice of the modification of the insurer's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If an insurer specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the insurer shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or~~ *or sections 2 to 32, inclusive, of this act.*

Sec. 87. NRS 689C.435 is hereby amended to read as follows:

689C.435 1. A carrier serving small employers and a carrier that offers a contract to a voluntary purchasing group shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the carrier to its insureds.

2. A carrier specified in subsection 1 shall not contract with a provider of health care to provide health care to an insured unless the carrier uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between a carrier specified in subsection 1 and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the carrier upon giving to the provider 45 days' written notice of the modification of the carrier's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45 day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45 day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If a carrier specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the carrier shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or~~ *or sections 2 to 32, inclusive, of this act.*

Sec. 88. NRS 690B.250 is hereby amended to read as follows:

690B.250 Except as more is required in NRS 630.3067 and 633.526:

1. Each insurer which issues a policy of insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS *or sections 2 to 32, inclusive, of this act* or who holds a license or limited license issued pursuant to chapter 653 of NRS for a breach of his or her professional duty toward a patient shall report to the board which licensed the practitioner within 45 days each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than \$5,000, giving the name of the claimant and the practitioner and the circumstances of the case.

2. A practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS *or sections 2 to 32, inclusive, of this act* or who holds a license or limited license issued pursuant to chapter 653 of NRS who does not have insurance covering liability for a breach of his or her professional duty toward a patient shall report to the board which issued the practitioner's license within 45 days of each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than \$5,000, giving the practitioner's name, the name of the claimant and the circumstances of the case.

3. These reports are public records and must be made available for public inspection within a reasonable time after they are received by the licensing board.

Sec. 89. NRS 690B.270 is hereby amended to read as follows:

690B.270 If an insurer declines to issue to a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* a policy of professional liability insurance, the insurer shall, upon the request of the practitioner, disclose to the practitioner the reasons the insurer declined to issue the policy.

Sec. 90. NRS 690B.280 is hereby amended to read as follows:

690B.280 If an insurer, for a policy of professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or~~ *sections 2 to 32, inclusive, of this act*, sets the premium for the policy for the practitioner at a rate that is higher than the standard rate of the insurer for the applicable type of policy and specialty of the practitioner, the insurer shall, upon the request of the practitioner, disclose the reasons the insurer set the premium for the policy at the higher rate.

Sec. 91. NRS 690B.290 is hereby amended to read as follows:

690B.290 If an insurer offers to issue a claims-made policy to a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or~~ *sections 2 to 32, inclusive, of this act*, the insurer shall:

1. Offer to issue an extended reporting endorsement to the practitioner; and

2. Disclose to the practitioner the cost formula that the insurer uses to determine the premium for the extended reporting endorsement. The cost formula must be based on:

(a) An amount that is not more than twice the amount of the premium for the claims-made policy at the time of the termination of that policy; and

(b) The rates filed by the insurer and approved by the Commissioner.

Sec. 92. NRS 690B.300 is hereby amended to read as follows:

690B.300 1. Except as otherwise provided in this section, if an insurer issues a policy of professional liability insurance to a practitioner licensed pursuant to chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* who delivers one or more babies per year, the insurer shall not set the premium for the policy at a rate that is different from the rate set for such a policy issued by the insurer to any other practitioner licensed pursuant to chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* who

delivers one or more babies per year if the difference in rates is based in whole or in part upon the number of babies delivered per year by the practitioner.

2. If an insurer issues a policy of professional liability insurance to a practitioner licensed pursuant to chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* who delivers one or more babies per year, the insurer may set the premium for the policy at a rate that is different, based in whole or in part upon the number of babies delivered per year by the practitioner, from the rate set for such a policy issued by the insurer to any other practitioner licensed pursuant to chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* who delivers one or more babies per year if the insurer:

(a) Bases the difference upon actuarial and loss experience data available to the insurer; and

(b) Obtains the approval of the Commissioner for the difference in rates.

3. The provisions of this section do not prohibit an insurer from setting the premium for a policy of professional liability insurance issued to a practitioner licensed pursuant to chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* who delivers one or more babies per year at a rate that is different from the rate set for such a policy issued by the insurer to any other practitioner licensed pursuant to chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* who delivers one or more babies per year if the difference in rates is based solely upon factors other than the number of babies delivered per year by the practitioner.

Sec. 93. NRS 690B.310 is hereby amended to read as follows:

690B.310 1. If an agreement settles a claim or action against a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* for a breach of his or her professional duty toward a patient, the following terms of the agreement must not be made confidential:

(a) The names of the parties;

(b) The date of the incidents or events giving rise to the claim or action;

(c) The nature of the claim or action as set forth in the complaint and the answer that is filed with the district court; and

(d) The effective date of the agreement.

2. Any provision of an agreement to settle a claim or action that conflicts with this section is void.

Sec. 94. NRS 690B.320 is hereby amended to read as follows:

690B.320 1. If an insurer offers to issue a claims-made policy to a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS *or sections 2 to 32, inclusive, of this act* or who holds a license or limited license issued pursuant to chapter 653 of NRS, the insurer shall:

(a) Offer to issue to the practitioner an extended reporting endorsement without a time limitation for reporting a claim.

(b) Disclose to the practitioner the premium for the extended reporting endorsement and the cost formula that the insurer uses to determine the premium for the extended reporting endorsement.

(c) Disclose to the practitioner the portion of the premium attributable to funding the extended reporting endorsement offered at no additional cost to the practitioner in the event of the practitioner's death, disability or retirement, if such a benefit is offered.

(d) Disclose to the practitioner the vesting requirements for the extended reporting endorsement offered at no additional cost to the practitioner in the event of the practitioner's death or retirement, if such a benefit is offered. If such a benefit is not offered, the absence of such a benefit must be disclosed.

(e) Include, as part of the insurance contract, language which must be approved by the Commissioner and which must be substantially similar to the following:

If we adopt any revision that would broaden the coverage under this policy without any additional premium either within the policy period or within 60 days before the policy period, the broadened coverage will immediately apply to this policy.

2. The disclosures required by subsection 1 must be made as part of the offer and acceptance at the inception of the policy and again at each renewal in the form of an endorsement attached to the insurance contract and approved by the Commissioner.

3. The requirements set forth in this section are in addition to the requirements set forth in NRS 690B.290.

Sec. 95. NRS 690B.360 is hereby amended to read as follows:

690B.360 1. The Commissioner may collect all information which is pertinent to monitoring whether an insurer that issues professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* is complying with the applicable standards for rates established in NRS 686B.010 to 686B.1799, inclusive. Such information may include, without limitation:

(a) The amount of gross premiums collected with regard to each medical specialty;

(b) Information relating to loss ratios; and

(c) Information reported pursuant to NRS 679B.430 and 679B.440.

2. In addition to the information collected pursuant to subsection 1, the Commissioner may request any additional information from an insurer:

(a) Whose rates and credit utilization are materially different from other insurers in the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* in this State;

(b) Whose credit utilization shows a substantial change from the previous year; or

(c) Whose information collected pursuant to subsection 1 indicates a potentially adverse trend.

3. If the Commissioner requests additional information from an insurer pursuant to subsection 2, the Commissioner may:

(a) Determine whether the additional information offers a reasonable explanation for the results described in paragraph (a), (b) or (c) of subsection 2; and

(b) Take any steps permitted by law that are necessary and appropriate to assure the ongoing stability of the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* in this State.

4. On an ongoing basis, the Commissioner may analyze and evaluate the information collected pursuant to this section to determine trends in and measure the health of the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* in this State.

5. If the Commissioner convenes a hearing pursuant to subsection 1 of NRS 690B.350 and determines that the market for professional liability insurance issued to any class, type or specialty of practitioner licensed pursuant to chapter 630, 631 or 633 of NRS *or sections 2 to 32, inclusive, of this act* is not competitive and that such insurance is unavailable or unaffordable for a substantial number of such practitioners, the Commissioner shall prepare and submit a report of the Commissioner's findings and recommendations to the Director of the Legislative Counsel Bureau for transmittal to members of the Legislature.

Sec. 96. NRS 695A.095 is hereby amended to read as follows:

695A.095 1. A society shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the society to its insureds.

2. A society shall not contract with a provider of health care to provide health care to an insured unless the society uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between a society and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the society upon giving to the provider 45 days' written notice of the modification of the society's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If a society contracts with a provider of health care to provide health care to an insured, the society shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~1~~ or sections 2 to 32, inclusive, of this act.

Sec. 97. NRS 695B.035 is hereby amended to read as follows:

695B.035 1. A corporation subject to the provisions of this chapter shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the corporation to its insureds.

2. A corporation specified in subsection 1 shall not contract with a provider of health care to provide health care to an insured unless the corporation uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between a corporation specified in subsection 1 and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the corporation upon giving to the provider 45 days' written notice of the modification of the corporation's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If a corporation specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the corporation shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~1~~ or sections 2 to 32, inclusive, of this act.

Sec. 98. NRS 695C.125 is hereby amended to read as follows:

695C.125 1. A health maintenance organization shall not contract with a provider of health care to provide health care to an insured unless the health

maintenance organization uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

2. A contract between a health maintenance organization and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the health maintenance organization upon giving to the provider 45 days' written notice of the modification of the health maintenance organization's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

3. If a health maintenance organization contracts with a provider of health care to provide health care to an enrollee, the health maintenance organization shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

4. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or~~ *sections 2 to 32, inclusive, of this act.*

Sec. 99. NRS 695G.430 is hereby amended to read as follows:

695G.430 1. A managed care organization shall not contract with a provider of health care to provide health care to an insured unless the managed care organization uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

2. A contract between a managed care organization and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the managed care organization upon giving to the provider 45 days' written notice of the modification of the managed care organization's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the

modification must not become effective unless agreed to by both parties as described in paragraph (a).

3. If a managed care organization contracts with a provider of health care to provide health care services pursuant to chapter 689A, 689B, 689C, 695A, 695B or 695C of NRS, the managed care organization shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

4. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or sections 2 to 32, inclusive, of this act.~~

Sec. 100. (Deleted by amendment.)

Sec. 101. Section 19 of this act is hereby amended to read as follows:

Sec. 19. 1. An applicant for a license as a licensed certified professional midwife must submit to the Division an application pursuant to this section in the form prescribed by the Division. The application must be accompanied by a fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed \$1,000. The application must include, without limitation, proof that the applicant ~~is~~ :

(a) Is certified as a midwife by the North American Registry of Midwives, or its successor organization ; ~~is~~ and ~~is~~

~~—(a) Has~~

(b) *Except as otherwise provided in subsection 2, has completed an educational program accredited by the Midwifery Education Accreditation Council, or its successor organization . ~~is~~ or*

~~—(b) Holds a Midwifery Bridge Certificate issued by the North American Registry of Midwives, or its successor organization, and has completed the Portfolio Evaluation Process prescribed by that organization.~~

2. *If the Division determines it to be necessary to address shortages in the number of midwives practicing in rural or underserved areas in this State or barriers for applicants from marginalized identities, the Division may, on a case-by-case basis, exempt an applicant from complying with paragraph (b) of subsection 1 if the applicant holds a Midwifery Bridge certificate issued by the North American Registry of Midwives, or its successor organization, and has completed the Portfolio Evaluation Process prescribed by that organization.*

3. A license as a licensed certified professional midwife may be renewed upon submission to the Division of a renewal application in the form prescribed by the Division. The renewal application must:

(a) Be accompanied by a renewal fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed \$1,000; and

(b) Include any information required by the regulations adopted by the Board pursuant to section 18 of this act.

~~{3.}~~ 4. To the extent that the implementation of such provisions will leave the Division with sufficient money to carry out its duties under this chapter, the State Board of Health shall establish by regulation a procedure through which:

(a) An applicant may petition the Division to reduce the fees imposed pursuant to this section. An applicant may qualify for such a reduction if the applicant demonstrates, to the satisfaction of the Division, that the fees imposed pursuant to this section are an economic hardship on the applicant.

(b) The Division allocates a portion of the fees imposed and collected pursuant to this section to programs that promote applicants from marginalized identities through increasing the numbers of such applicants and reducing barriers that such applicants face.

~~{4.}~~ 5. As used in this section, "marginalized identity" means an identity or expression that causes or has historically caused a person of such identity or expression to be disproportionately discriminated against, harassed or otherwise negatively treated or affected as a result of the identity or expression.

Sec. 102. Section 23 of this act is hereby amended to read as follows:

Sec. 23. 1. In addition to any other requirements set forth in this chapter ~~{:~~

~~—(a) An applicant for the issuance of a license as a licensed certified professional midwife in this State shall include the social security number of the applicant in the application submitted to the Division.~~

~~—(b) An~~, an applicant for the issuance of a license as a licensed certified professional midwife in this State shall submit to the Division of Public and Behavioral Health of the Department of Health and Human Services 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 of Public and Behavioral Health of the Department of Health and Human Services 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 license; or

(b) A separate form prescribed by the Division.

3. A license as a licensed certified professional midwife 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. 103. Section 27 of this act is hereby amended to read as follows:

Sec. 27. 1. Except as otherwise provided in subsections 4 and 5, a licensed certified professional midwife must recommend and, with the consent of the client, arrange for consultation or co-management with or referral to a qualified provider of health care or transfer to an appropriate medical facility if the licensed certified professional midwife determines that any of the following conditions or symptoms exist:

- (a) Complete placenta previa;
- (b) Partial placenta previa after the 27th week of gestation;
- (c) Infection with the human immunodeficiency virus;
- (d) Cardiovascular disease;
- (e) Severe mental illness that may cause the client to cause harm to themselves or others;
- (f) Pre-eclampsia or eclampsia;
- (g) Fetal growth restriction, oligohydramnios or moderate or severe polyhydramnios in the pregnancy;
- (h) Potentially serious anatomic fetal abnormalities;
- (i) Diabetes that requires insulin or other medication for management;
- (j) Gestational age of greater than 43 weeks; or
- (k) Any other condition or symptom which, in the judgment of the licensed certified professional midwife, could threaten the life of the client or the fetus or newborn infant of the client.

2. Except as otherwise provided in subsections 4 and 5, a licensed certified professional midwife must recommend and, with the consent of the client, arrange for consultation or co-management with or referral to a qualified provider of health care if the licensed certified

professional midwife determines that any of the following conditions or symptoms exist:

- (a) Prior cesarean section or other surgery resulting in a uterine scar;
- (b) Multifetal gestation; or
- (c) Non-cephalic presentation after 36 weeks of gestation.

3. A licensed certified professional midwife who recommends to a client consultation, co-management, referral or transfer shall document in the record of the client:

- (a) The contents of the recommendation;
- (b) The condition or symptom for which the recommendation was made;
- (c) Whether the client consented to the consultation, co-management, referral or transfer; and
- (d) If the client provides consent, the name, profession and specialty of the provider of health care with whom the licensed certified professional midwife consulted or co-managed or to whom the client was referred or the medical facility to which the client was transferred.

4. A client may provide informed refusal to consent to consultation, co-management, referral or transfer in writing on a form prescribed by the Board. If a client provides informed refusal to consent to ~~the~~

~~—(a) Consultation,~~ consultation, co-management, referral or transfer after the licensed certified professional midwife has determined that a condition or symptom ~~{described in subsection 1}~~ exists ~~[, the]~~ for which consultation, co-management, referral or transfer is required by the regulations adopted pursuant to section 18 of this act:

(a) ~~The licensed certified professional midwife must {attempt to locate a qualified provider of health care for which the client consents to consultation, co-management or referral or an appropriate medical facility for which the client consents to transfer. If the licensed certified professional midwife is unable to locate such a provider of health care who is willing to consult, co manage or accept the referral or such a medical facility which is willing to accept the transfer, the licensed certified professional midwife is} take any action required by those regulations;~~

(b) *If the condition or symptom threatens the life or health of the client, the fetus or the newborn child during labor or delivery, the licensed certified professional midwife must call 911 and provide care until relieved by a qualified provider of health care; and*

(c) *If the licensed certified professional midwife complies with paragraphs (a) and (b), he or she is not liable for any damages resulting from the failure to consult, co-manage, refer or transfer. ~~If the condition or symptom threatens the life or health of the client or the fetus or the newborn infant of the client during labor or delivery, the~~*

licensed certified professional midwife must call 911 and provide care until relieved by a qualified provider of health care.

~~—(b) Consultation, co management or referral after the licensed certified professional midwife has determined that a condition or symptom described in subsection 2 exists, the licensed certified professional midwife:~~

~~—(1) May continue to serve as the primary provider of health care for the client until the client provides such consent; and~~

~~—(2) Is not liable for any damages resulting from the failure to consult, co manage or refer.]~~

5. If, after determining that a condition or symptom ~~{described in: —(a) Subsection 1}~~ exists *for which consultation, co-management, referral or transfer is required by the regulations adopted pursuant to section 18 of this act* and making a reasonable effort to ~~{arrange for consultation with, co management of the condition or symptom with or referral of the client to a qualified provider of health care or the transfer of the client to an appropriate medical facility,}~~ *comply with those regulations*, a licensed certified professional midwife is unable to locate a qualified provider of health care who is willing to consult, co-manage or accept the referral or an appropriate medical facility willing to accept the transfer, the licensed certified professional midwife shall be deemed to be in compliance with the requirements of ~~{this section}~~ *those regulations* and is not liable for any damages resulting from the inability of the licensed certified professional midwife to consult, co-manage, refer or transfer. If the condition or symptom threatens the life or health of the client or the fetus or newborn infant of the client during labor or delivery, the licensed certified professional midwife must call 911 and provide care until relieved by a qualified provider of health care.

~~{(b) Subsection 2 exists and making a reasonable effort to arrange for consultation with, co management of the condition or symptom with or referral of the client to a qualified provider of health care, a licensed certified professional midwife is unable to locate a qualified provider of health care who is willing to consult, co manage or accept the referral, the licensed certified professional midwife shall be deemed to be in compliance with the requirements of this section and is not liable for any damages resulting from the inability of the licensed certified professional midwife to arrange for consultation, co manage or refer.}~~

6. A provider of health care who is not a licensed certified professional midwife is not liable for any damages resulting from any act or omission of a licensed certified professional midwife and is not required to adhere to any standards of care governing the practice of certified professional midwifery. Such a provider of health care is only liable for the damages resulting from his or her own acts or omissions in accordance with the standards of care governing his or her profession.

Sec. 103.5. Section 3 of Assembly Bill No. 287 of this session is hereby amended to read as follows:

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

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

1. "Advisory Board" means the Advisory Board on Maternal and Child Health.
2. "Department" means the Department of Health and Human Services.
3. "Director" means the Director of the Department.
4. "Division" means the Division of Public and Behavioral Health of the Department.

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

6. "Freestanding birthing center" has the meaning ascribed to it in section 11 of Assembly Bill No. 287 of this session.

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

8. ~~"Midwife" means:~~

~~— (a) A person certified as:~~

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

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

~~— (b) Any other type of midwife.~~

~~— 9. "Provider of health care or other services" means:~~

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

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

(c) A licensed nurse;

(d) A licensed psychologist;

(e) A licensed marriage and family therapist;

(f) A licensed clinical professional counselor;

(g) A licensed social worker;

(h) A licensed dietitian; or

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

Sec. 104. As soon as practicable on or after the effective date of this section, but not later than 6 months after receiving the recommendations of the Collaboration and Transfer Guidelines Workgroup created pursuant to section 105 of this act, the Board of Licensed Certified Professional Midwives created by section 16 of this act shall adopt the regulations required by paragraph (g) of subsection 1 of section 18 of this act. In adopting the regulations, the Board shall consider the measures necessary to minimize the

likelihood of serious harm to the client and the fetus or newborn infant of the client.

Sec. 105. 1. The Collaboration and Transfer Guidelines Workgroup is hereby created.

2. The Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services shall appoint to the Workgroup:

(a) One voting member who is a physician who practices in the area of obstetrics or a certified nurse-midwife in Northern Nevada;

(b) One voting member who is a physician who practices in the area of obstetrics or a certified nurse-midwife in Southern Nevada;

(c) One voting member who is a nurse manager of a labor and delivery ward or a registered nurse with similar duties who is responsible for coordinating transfers of pregnant women from a home or birth center to a hospital and who practices in Northern Nevada;

(d) One voting member who is a nurse manager of a labor and delivery ward or a registered nurse with similar duties who is responsible for coordinating transfers of pregnant women from a home or birth center to a hospital and who practices in Southern Nevada;

(e) One voting member who represents a provider of emergency medical services in Northern Nevada;

(f) One voting member who represents a provider of emergency medical services in Southern Nevada; and

(g) One nonvoting member to serve as a liaison with the State Board of Health.

3. The Nevada Chapter of the National Association of Certified Professional Midwives, or its successor organization, in consultation with the Nevada Association of Professional Midwives, or its successor organization, shall appoint to the Workgroup four voting members who are midwives who reside and practice in Nevada. To the extent practicable, two of those members must reside and practice in Northern Nevada and two of those members must practice in Southern Nevada.

4. The Nevada Hospital Association, or its successor organization, may appoint to the Workgroup one member who is a representative of that organization.

5. A vacancy on the Workgroup must be filled in the same manner as the initial appointment.

6. Members of the Workgroup serve without compensation and are not entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

7. A member of the Workgroup who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Workgroup and perform any work necessary to carry out the duties of the Workgroup in the most timely manner practicable. A state agency or political

subdivision of this State shall not require an officer or employee who is a member of the Workgroup to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Workgroup; or

(b) Take annual leave or compensatory time for the absence.

8. The Workgroup may divide into one subcommittee of members from Northern Nevada and one subcommittee of members from Southern Nevada.

9. A majority of the voting members of the Workgroup or a subcommittee thereof constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Workgroup or a subcommittee thereof.

10. The Workgroup and each subcommittee thereof shall:

(a) At its first meeting and annually thereafter, elect a Chair from among its members; and

(b) Meet at the call of the Chair.

11. Not later than July 1, 2022, the Workgroup or, if the Workgroup divides into subcommittees pursuant to subsection 8, each subcommittee of the Workgroup, shall make recommendations to the Board of Licensed Certified Professional Midwives created by section 16 of this act concerning the regulations required by paragraph (g) of subsection 1 of section 18 of this act governing the transfer of the client of a licensed certified professional midwife to a medical facility. Those recommendations must, to the extent practicable, be guided upon peer-reviewed scientific evidence and widely accepted best practices and include, without limitation, provisions for the transmission of all information necessary for the care of the client from the licensed certified professional midwife to the medical facility. The Workgroup ceases to exist upon submission of those recommendations unless the Board requests that the Workgroup continue to meet.

12. As used in this section:

(a) "Certified nurse-midwife" means an advanced practice registered nurse who is certified as a nurse-midwife by the American Midwifery Certification Board, or its successor organization.

(b) "Licensed certified professional midwife" means a person who is certified as a certified professional midwife by the North American Registry of Midwives.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(d) "Northern Nevada" means Carson City and the counties of Churchill, Elko, Eureka, Douglas, Humboldt, Lander, Lyon, Pershing, Storey, Washoe and White Pine.

(e) "Southern Nevada" means the counties of Clark, Esmeralda, Lincoln, Mineral and Nye.

Sec. 106. Notwithstanding the provisions of section 16 of this act, on or before July 1, 2022, the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services may appoint to the Board of Licensed Certified Professional Midwives created by that section:

1. Four members pursuant to paragraph (a) of subsection 2 of that section who are not licensed pursuant to section 19 of this act and are certified as midwives by the North American Registry of Midwives, or its successor organization. If such a member is not licensed as a licensed certified professional midwife pursuant to section 19 of this act on July 1, 2022:

- (a) His or her term ends on that date; and
- (b) The Administrator shall appoint a person who is so licensed to fill the vacancy.

2. Two members pursuant to paragraph (d) of subsection 2 of section 16 of this act who have not received care from a licensed certified professional midwife licensed pursuant to section 19 of this act but who have received care from a midwife certified by the North American Registry of Midwives, or its successor organization. Those members may serve until the expiration of the terms prescribed pursuant to subsection 5 of section 16 of this act.

Sec. 106.5. Section 1.1 of Assembly Bill No. 287 of the current Legislative Session is hereby repealed.

Sec. 107. 1. This section and sections ~~103.5, 104, and~~ 105 and 106.5 of this act become effective upon passage and approval.

2. Sections 1 to 99, inclusive, and 106 of this act become effective:

(a) Upon passage and approval for the purpose of appointing the members of the Board of Licensed Certified Professional Midwives, 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.

3. Sections 100 and 101 of this act become effective on January 1, 2025.

4. Section 102 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with 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.

5. Section 103 of this act becomes effective on the date on which the regulations described in section 104 of this act become effective.

6. Section 33 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with 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.

7. Sections 23, 29 and 102 of this act expire by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,
 ➔ are repealed by the Congress of the United States.

TEXT OF REPEALED SECTION

Section 1.1 of Assembly Bill No. 287 of the current Legislative Session:

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

As used in this chapter, "midwife" means:

1. A person certified as:

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

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

2. Any other type of midwife.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senators Cannizzaro and Hardy.

SENATOR CANNIZZARO:

Senate Amendment No. 841 establishes a consistent definition of midwife by adding section 103.5 which removes the definition from section 3 of Assembly Bill No. 387 of this 81st Legislative Session and revises section 73 of this bill to clarify that a certified-nurse midwife is a midwife for the purposes of NRS 442.

SENATOR HARDY:

I just received a text message from a midwife in Nevada who said there are only six midwives who plan to file for a license under this bill and at least 47 are opposed, with a few undecided. They would seek for a license under a different bill with different terms. When we were researching this issue, I found there to be three main groups of midwives, and this is making one of those groups the winner. I am not in the habit of advocating for midwives. It is not what I believe all the time, but when we start looking at the reality of testimony like that of Assemblywoman Summers-Armstrong, it can be powerful. When we consider the access to care with which we have a problem, we recognize that midwives are real, available and perform a valuable service. When we remove current practitioners, or do not recruit them or new practitioners into whatever medical field we would like to, we are doing ourselves a disservice. When we decide to make one group the winner, we are taking property rights from another group. The testing of blood for syphilis, for example, is one of the things midwives do. I am opposed to Assembly Bill No. 387 and have major problems with it.

Amendment adopted.

Bill read third time.

Remarks by Senator Cannizzaro.

Assembly Bill No. 387 creates the Board of Licensed Certified Professional Midwives and provides for the licensure and regulation of certified professional midwives. The bill provides for

the education and training requirements to become a licensed-certified, professional midwife and the application requirements. The bill also establishes the qualifications to be a certified, professional, midwife-birth assistant and services allowed to be provided by certified, professional, midwife-birth assistants. The bill also requires the Director of the DHHS to include in the State Plan for Medicaid a requirement that services provided by a licensed, certified, professional midwife be paid at a rate comparable to similar services provided by other providers of health care.

Roll call on Assembly Bill No. 387:

YEAS—13.

NAYS—Buck, Denis, Goicoechea, Hammond, Hansen, Hardy, Pickard, Settelmeyer—8.

Assembly Bill No. 387 having failed to receive a two-thirds majority, Madam President declared it lost.

Assembly Bill No. 492.

Bill read third time.

Senator Cannizzaro moved that the bill be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Assembly Bills Nos. 219, 441 be taken from their position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 219.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 862.

SUMMARY—Revises provisions governing the sealing of criminal records. (BDR 14-137)

AN ACT relating to criminal justice; authorizing the sealing of criminal records after a pardon; requiring the sealing of criminal records under certain circumstances; authorizing the appeal of certain petitions to seal criminal records; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates a comprehensive system for the sealing of criminal records. (NRS 179.2405-179.301) Under existing law there is a presumption that criminal records should be sealed when the petitioner satisfies all statutory requirements for the sealing of the records. (NRS 179.2445) This bill requires a court to seal the criminal records of a petitioner under certain circumstances and makes various other changes to provisions governing the sealing of criminal records.

Section 1 of this bill requires a court and the Central Repository for Nevada Records of Criminal History to seal the criminal records of a person upon receipt of a certified copy of the unconditional pardon of the person from the State Board of Pardons Commissioners. If the recipient of the pardon files a

petition to seal his or her criminal records, section 1 requires the court to grant the petition without review by the prosecuting attorney or agency so long as the charges that were pardoned are the same as the charges requested to be sealed.

Existing law authorizes a court to order the sealing of criminal records if a person convicted in the court submits a petition and the prosecuting attorney stipulates to the sealing of the records. If the prosecuting attorney does not stipulate to the sealing of the criminal records, existing law requires a hearing to be conducted to determine if the records should be sealed. (NRS 179.245, 179.247) ~~{Sections 3 and 4 of this bill require a court to grant the sealing of the criminal records without a hearing if: (1) the prosecuting agency stipulates to the sealing of the records; or (2) all statutory requirements are met and the prosecuting agency does not stipulate to the sealing of the records or does not file an objection to the sealing of the records.}~~ Sections 3 and 4 require: (1) a hearing on the petition to be held to determine if the criminal records should be sealed if the court has not otherwise ordered the sealing of the records or the prosecuting agency files a written objection; and (2) the petition to be granted ~~{if no}~~ unless an objecting party {attends the hearing} presents certain evidence. Section 2.5 of this bill makes a conforming change.

Existing law authorizes a person to petition a court to seal all records relating to an arrest if: (1) the person was never prosecuted for the crime; (2) a charge was filed against the person but later dismissed; or (3) the person was acquitted of the crime. If the prosecuting attorney stipulates to the sealing of the records relating to the arrest, existing law authorizes the court to seal the records. If the prosecuting attorney does not stipulate to the sealing of the records, existing law requires a hearing to be conducted to determine if the records should be sealed. (NRS 179.255) Section 5 of this bill: (1) requires a court to grant a petition to seal all records relating to an arrest if the prosecuting agency stipulates to sealing the records or if there is no evidence that further action will be taken against the person and the person was acquitted of the crime; and (2) authorizes the court to seal all records relating to an arrest if there is no evidence that further action will be taken against the person and the person was never prosecuted for the crime or a charge was filed against the person but later dismissed. Section 5 further requires: (1) that a hearing be conducted ~~{when a}~~ if the court has not otherwise ordered the sealing of the records or the prosecuting agency files a written objection to a petition to seal the records of the arrest; and (2) the court to seal the records of the arrest pursuant to the statutory presumption favoring the sealing of records ~~{if no}~~ unless an objecting party {attends the hearing} presents certain evidence. If the prosecuting agency does not stipulate to the sealing of the records or does not file a written objection and the petitioner satisfies all statutory requirements to seal the records relating to the arrest, section 5 requires the court to seal the records without a hearing.

Section 6 of this bill authorizes a person to appeal the denial of a petition to seal a record. Section 7 of this bill authorizes a person to appeal the denial of a petition to seal records relating to a crime that has been decriminalized.

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

Section 1. Chapter 179 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a court and the Central Repository for Nevada Records of Criminal History receive a certified copy of an unconditional pardon from the State Board of Pardons Commissioners, the court and the Central Repository for Nevada Records of Criminal History shall seal all records of criminal history subject to the pardon.*

2. *If a person receives a pardon from the State Board of Pardons Commissioners, the person may submit a written petition, accompanied by proof of the pardon, to any court in which the person was convicted for the sealing of all records of criminal history in its possession and in the possession of any agency of criminal justice relating to the charges for which the person received the pardon.*

3. *A petition submitted to a court pursuant to this section is not subject to review by the prosecuting attorney or an agency of criminal justice.*

4. *The court shall grant a petition submitted to the court pursuant to this section unless the charges listed in the petition are different from the charges listed in the pardon.*

5. *No fee may be charged by any court or agency of criminal justice for the submission of a petition pursuant to this section.*

Sec. 2. NRS 179.2405 is hereby amended to read as follows:

179.2405 The Legislature hereby declares that the public policy of this State is to favor the giving of second chances to offenders who are rehabilitated and the sealing of the records of such persons in accordance with NRS 179.2405 to 179.301, inclusive ~~{-}~~, and section 1 of this act.

Sec. 2.5. NRS 179.2445 is hereby amended to read as follows:

179.2445 1. Except as otherwise provided in subsection 2, upon the filing of a petition for the sealing of records pursuant to NRS 179.245, 179.247, 179.255, 179.259 or 179.2595, there is a rebuttable presumption that the records should be sealed if the applicant satisfies all statutory requirements for the sealing of the records.

2. The presumption set forth in subsection 1 does not apply to a defendant who is given a dishonorable discharge from probation pursuant to NRS 176A.850 and applies to the court for the sealing of records relating to the conviction.

Sec. 3. NRS 179.245 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

2. A petition filed pursuant to subsection 1 must:

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

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

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

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

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and the

prosecuting attorney, including, without limitation, the Attorney General, who prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

4. If the prosecuting ~~[attorney who]~~ agency that prosecuted the petitioner for the crime stipulates *to the sealing of the records, the court shall apply the presumption set forth in NRS 179.2445 and seal the records. If the prosecuting agency does not stipulate to the sealing of the records or does not file a written objection within 30 days after receiving notification pursuant to subsection 3 and the court makes the findings set forth in subsection 5, the court may ~~shall~~* order the sealing of the records in accordance with subsection 5 without a hearing. If the court does not order the sealing of the records or the prosecuting [attorney does not stipulate to the sealing of the records,] agency files a written objection, a hearing on the petition must be conducted. ~~If no~~ At the hearing, unless an objecting party attends the hearing, the court shall apply ~~applies~~ presents evidence sufficient to rebut the presumption set forth in NRS 179.2445 , the court shall apply the presumption and seal the records.

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

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

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

7. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may

order sealed all records of the civil proceeding in which the records were sealed.

8. As used in this section:

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

(b) "Sexual offense" means:

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

(2) Sexual assault pursuant to NRS 200.366.

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

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

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

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

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

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

(9) Incest pursuant to NRS 201.180.

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

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

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

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

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

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

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

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

Sec. 4. NRS 179.247 is hereby amended to read as follows:

179.247 1. If a person has been convicted of any offense listed in subsection 2, the person may petition the court in which he or she was convicted or, if the person wishes to file more than one petition and would

otherwise need to file a petition in more than one court, the district court, for an order:

(a) Vacating the judgment; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. If the prosecuting ~~attorney who~~ *agency that* prosecuted the petitioner for the crime stipulates *to vacating the judgment of the petitioner and sealing all documents, papers and exhibits related to the case, the court shall apply the presumption set forth in NRS 179.2445, vacate the judgment and seal all documents, papers and exhibits related to the case. If the prosecuting agency*

does not stipulate to vacating the judgment of the petitioner and sealing all documents, papers and exhibits related to the case *or does not file a written objection within 30 days* after receiving notification pursuant to subsection 5 and the court makes the findings set forth in subsection 4, the court ~~may~~ ~~shall~~ vacate the judgment and seal all documents, papers and exhibits in accordance with subsection 7 without a hearing. If the *court does not order the sealing of the records or the* prosecuting ~~attorney does not stipulate to vacating the judgment and sealing the documents, papers and exhibits,~~ *agency files a written objection,* a hearing on the petition must be conducted. ~~If no~~ *At the hearing, unless an objecting party attends the hearing, the court shall apply* *presents evidence sufficient to rebut the presumption set forth in NRS 179.2445, the court shall vacate the judgment, apply the presumption and seal all documents, papers and exhibits related to the case.*

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

(a) Vacate the judgment and dismiss the accusatory pleading; and

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

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

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

10. As used in this section, "crime of violence" means:

(a) Any offense involving the use or threatened use of force or violence against the person or property of another; or

(b) Any felony for which there is a substantial risk that force or violence may be used against the person or property of another in the commission of the felony.

Sec. 5. NRS 179.255 is hereby amended to read as follows:

179.255 1. If a person has been arrested for alleged criminal conduct and the charges are dismissed, the prosecuting attorney having jurisdiction declined prosecution of the charges or such person is acquitted of the charges, the person may petition:

(a) The court in which the charges were dismissed, at any time after the date the charges were dismissed;

(b) The court having jurisdiction in which the charges were declined for prosecution:

- (1) Any time after the applicable statute of limitations has run;
- (2) Any time 8 years after the arrest; or
- (3) Pursuant to a stipulation between the parties; or

(c) The court in which the acquittal was entered, at any time after the date of the acquittal,

➔ for the sealing of all records relating to the arrest and the proceedings leading to the dismissal, declination or acquittal.

2. If the conviction of a person is set aside pursuant to NRS 458A.240, the person may petition the court that set aside the conviction, at any time after the conviction has been set aside, for the sealing of all records relating to the setting aside of the conviction.

3. A petition filed pursuant to subsection 1 or 2 must:

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

(b) Except as otherwise provided in paragraph (c), include the disposition of the proceedings for the records to be sealed;

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

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

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

(1) Date of birth of the petitioner;

(2) Specific charges that were dismissed or of which the petitioner was acquitted; and

(3) Date of arrest relating to the specific charges that were dismissed or of which the petitioner was acquitted.

4. Upon receiving a petition pursuant to subsection 1, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the charges were dismissed, declined for prosecution or the acquittal was entered in a district court or justice court, the prosecuting attorney for the county; or

(b) If the charges were dismissed, declined for prosecution or the acquittal was entered in a municipal court, the prosecuting attorney for the city.

➔ The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

5. Upon receiving a petition pursuant to subsection 2, the court shall notify:

(a) If the conviction was set aside in a district court or justice court, the prosecuting attorney for the county; or

(b) If the conviction was set aside in a municipal court, the prosecuting attorney for the city.

➡ The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

6. If the prosecuting ~~attorney~~ *agency that prosecuted or declined to prosecute the petitioner for the crime stipulates to the sealing of the records, the court shall apply the presumption set forth in NRS 179.2445 and seal the records. If the prosecuting agency does not stipulate to the sealing of the records or does not file a written objection within 30 days after receiving notification pursuant to subsection 4 or 5 and the court makes the findings set forth in subsection 7 or 8, as applicable, the court may ~~(shall)~~ order the sealing of the records in accordance with subsection 7 or 8, as applicable, without a hearing. If the court does not order the sealing of the records or the prosecuting ~~attorney does not stipulate to the sealing of the records,~~ agency files a written objection, ~~to a petition,~~ a hearing on the petition must be conducted. ~~If no~~ At the hearing, unless an objecting party ~~attends the hearing,~~ presents evidence sufficient to rebut the presumption set forth in NRS 179.2445, the court shall apply the presumption ~~set forth in NRS 179.2445~~ and seal the records.*

7. If the court finds ~~that~~ :

(a) ~~That there has been an acquittal ~~that the prosecution was declined or that the charges were dismissed~~ and there is no evidence that further action will be brought against the person, the court ~~may~~ shall order sealed all records of the arrest and of the proceedings leading to the acquittal ~~declination or dismissal~~ which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada ~~;~~ ; or~~

(b) ~~That prosecution was declined or that the charges were dismissed and there is no evidence that further action will be brought against the person, the court may order sealed all records of the arrest and of the proceedings leading to the declination or dismissal which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.~~

8. If the court finds that the conviction of the petitioner was set aside pursuant to NRS 458A.240, the court may order sealed all records relating to the setting aside of the conviction which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.

9. If the prosecuting attorney having jurisdiction previously declined prosecution of the charges and the records of the arrest have been sealed pursuant to subsection 7, the prosecuting attorney may subsequently file the charges at any time before the running of the statute of limitations for those charges. If such charges are filed with the court, the court shall order the

inspection of the records without the prosecuting attorney having to petition the court pursuant to NRS 179.295.

Sec. 6. NRS 179.265 is hereby amended to read as follows:

179.265 1. A person whose petition is denied under NRS 179.245 or 179.255 may petition for a rehearing not sooner than 2 years after the denial of the previous petition.

2. ~~[No person may petition for more than two rehearings.]~~ *A person whose petition is denied may file an appeal.*

Sec. 7. NRS 179.271 is hereby amended to read as follows:

179.271 1. Except as otherwise provided in this section, if an offense is decriminalized:

(a) Any person who was convicted of that offense before the date on which the offense was decriminalized may submit a written request to any court in which the person was convicted of that offense for the sealing of any record of criminal history in its possession and in the possession of any agency of criminal justice relating to the conviction.

(b) Upon receipt of a request pursuant to paragraph (a), the court shall, as soon as practicable, send written notice of the request to the office of the prosecuting attorney that prosecuted the offense. If the office of the prosecuting attorney objects to the granting of the request, a written objection to the request must be filed with the court within 10 judicial days after the date on which notice of the request was received. If no written objection to the request is filed, the court shall grant the request. If a written objection to the request is filed, the court must hold a hearing on the request. At the hearing, the court shall grant the request unless the prosecuting attorney establishes, by clear and convincing evidence, that there is good cause not to grant the request. The decision of the court to ~~[grant or]~~ deny the request is ~~[not]~~ subject to appeal.

2. No fee may be charged by any court or agency of criminal justice for the submission of a request pursuant to this section.

3. The provisions of this section do not apply to a traffic offense.

4. As used in this section:

(a) "Decriminalized" means that an offense is no longer punishable as a crime as the result of enactment of an act of the Legislature or the passage of a referendum petition or initiative petition pursuant to Article 19 of the Nevada Constitution.

(b) "Traffic offense" means a violation of any state or local law or ordinance governing the operation of a motor vehicle upon any highway within this State.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 862 to Assembly Bill No. 219 revises section 4 of the bill to provide that if the court finds it necessary, the court may grant a petition or set a hearing where the prosecuting attorney stipulates or objects to a petition to seal records. Further, unless an objecting party presents certain evidence at a hearing, the court may seal the records.

Amendment adopted.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 219 revises provisions governing the sealing of criminal records. Upon receipt of a certified copy of the unconditional pardon of a person from the State Board of Pardons Commissioners, the court and the Central Repository for Nevada Records of Criminal History in the Records, Communications and Compliance Division of the Department of Public Safety are required to seal the person's criminal records.

If a person receives a pardon from the State Board of Pardons Commissioners, the person may submit a written petition, accompanied by proof of the pardon, to the court for the sealing of all records of criminal history. This measure also specifies the circumstances under which the court must grant the sealing of the criminal records without a hearing. If the prosecuting agency files a written objection to the sealing of the records, a hearing on the petition must be conducted. At the hearing, unless an objecting party presents certain evidence, the court may seal the records. Lastly, this bill allows a person to appeal the denial of a petition to seal records and to appeal the denial of a petition to seal records relating to a crime that has been decriminalized.

Roll call on Assembly Bill No. 219:

YEAS—20.

NAYS—Buck.

Assembly Bill No. 219 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 441.

Bill read third time.

The following amendment was proposed by the Senator Cannizzaro.

Amendment No. 825.

SUMMARY—Revises provisions governing legislators. (BDR 17-922)

AN ACT relating to legislators; authorizing the allocation of the legislative measures requested by a legislator whose office becomes vacant during a certain period; revising provisions governing the purposes for which a Legislator may use unspent campaign contributions; authorizing a legislator who is appointed to the office of a legislator under certain circumstances to solicit or accept monetary contributions during certain periods; restricting the expenses for which such contributions may be used; requiring such contributions that remain unspent after a certain period to be returned or donated for certain purposes; providing other matters properly relating thereto. Legislative Counsel's Digest:

Existing law authorizes legislators and the chairs of each standing committee to request the drafting of a certain number of legislative measures by certain deadlines. (NRS 218D.150, 218D.155, 218D.160) Section 1 of this bill provides that if a vacancy occurs in the office of a Legislator after the general election and before the regular session of the Legislature is convened, the caucus leader of the house and party of which the Legislator was a member is authorized to allocate all, some or none of the requests for the drafting of legislative measures requested or available to be requested by the Legislator. Section 1 also establishes a deadline for the submission of these requests and

the details for the drafting of the request to the Legislative Counsel. Finally, section 1 provides that a request for the drafting of a legislative measure: (1) that is allocated to a member of the Senate or Assembly is in addition to the number of requests authorized for that member by statute, joint rule or rule of either House; and (2) that is allocated to a standing committee of either House must be approved by a majority of all of the members appointed to the committee before the request is submitted to the Legislative Counsel.

~~[Existing law prohibits a candidate from using campaign contributions for a personal use, and authorizes a candidate who is elected to an office to use unspent campaign contributions for expenses related to the public office to which he or she was elected. (NRS 294A.160) Existing law also provides that Legislators are entitled to an allowance of: (1) \$10,000 for each regular session for expenses related to travel to and from Carson City and additional housing during the regular session; and (2) \$1,200 for each special session for travel to and from the Legislator's home or temporary residence or for traveling to and from legislative committee and subcommittee meetings or hearings or for individual travel within the State which relates to legislative business. (NRS 218A.645) Section 4 of this bill excludes from the definition of "personal use" the use of unspent contributions by a Legislator to pay for expenses in excess of the amount of the allowance to which the Legislator is entitled under existing law and, thus, specifically authorizes a Legislator to use such unspent contributions for that purpose.]~~

Existing law prohibits a member of the Legislature, the Lieutenant Governor, the Lieutenant Governor-Elect, the Governor or the Governor-Elect from soliciting or accepting a monetary contribution, or a commitment for such a contribution, for any political purpose during a period that begins a certain number of days before the beginning of a regular or special session of the Legislature and ends a certain number of days after the final adjournment of such a session. (NRS 294A.300) Sections 2 and 7 of this bill: (1) authorizes a Legislator who was appointed to fill a vacancy in the office of a Legislator during this period to solicit or accept a monetary contribution during this period from another Legislator or from an organization whose primary purpose is to provide support for Legislators of a particular political party and house; (2) prohibits such a Legislator from soliciting or accept such monetary contributions in a total amount which exceeds \$10,000 for a regular session and \$1,200 for a special session; (3) limits the expenses for which the Legislator is authorized to use such contributions to those travel and housing expenses for which the Legislator receives an allowance under existing law; and (4) requires the Legislator to return or donate for certain purposes any contributions that remain unspent for an authorized purpose after a certain period. Section 5 of this bill authorizes a Legislator to use unspent campaign contributions to make contributions to another Legislator pursuant to section 2. Sections 3, 6, 8 and 9 of this bill make conforming changes to make unspent contributions received pursuant to section 2 subject to the same reporting requirement as other unspent contributions.

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

Section 1. Chapter 218D of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 4, after the general election preceding a regular session and before that regular session has convened, a vacancy occurs for any reason in the office of a Legislator who is:*

(a) A member of the Senate from the majority party, the Majority Leader of the Senate may allocate to a member of the Senate from the majority party or a Senate standing committee all, some or none of the requests for the drafting of legislative measures requested or available to be requested by the Legislator whose office became vacant.

(b) A member of the Assembly from the majority party, the Speaker of the Assembly may allocate to a member of the Assembly from the majority party or an Assembly standing committee all, some or none of the requests for the drafting of legislative measures requested or available to be requested by the Legislator whose office became vacant.

(c) A member of the Senate from the minority party, the Minority Leader of the Senate may allocate to a member of the Senate from the minority party all, some or none of the requests for the drafting of legislative measures requested or available to be requested by the Legislator whose office became vacant.

(d) A member of the Assembly from the minority party, the Minority Leader of the Assembly may allocate to a member of the Assembly from the minority party all, some or none of the requests for the drafting of legislative measures requested or available to be requested by the Legislator whose office became vacant.

2. *The Majority Leader of the Senate, Speaker of the Assembly, Minority Leader of the Assembly and Minority Leader of the Senate, respectively, shall, not later than the 8th calendar day of a regular legislative session provide the Legislative Counsel with a written list of the number of requests for the drafting of a legislative measure that may be submitted by each member and standing committee of the respective houses, within the limit provided by subsection 1. The lists may be revised any time before the 15th calendar day of the regular legislative session to reallocate any unused requests or requests which were withdrawn before drafting began on the request.*

3. *If, pursuant to this section, a request for the drafting of a legislative measure is submitted to the Legislative Counsel by a member of the Senate or Assembly, a standing committee of the Senate or Assembly, the Majority Leader or Minority Leader of the Senate, or the Speaker or Minority Leader of the Assembly on or before the 15th calendar day of the regular legislative session pursuant to this section, the member, chair of the standing committee or his or her designee, Majority Leader or Minority Leader of the Senate, and the Speaker and Minority Leader of the Assembly, as applicable, shall, by the 22nd calendar day of the regular legislative session, provide the Legislative*

Counsel with information to draft the request which is sufficient in detail to allow for complete drafting of the request.

4. *A request for the drafting of a legislative measure that is allocated to:*

(a) A member of the Senate or Assembly pursuant to this section is in addition to the number of requests authorized for that member by statute, joint rule or rule of either House.

(b) A standing committee of either House pursuant to this section must be approved by a majority of all of the members appointed to the committee before the request is submitted to the Legislative Counsel.

Sec. 2. Chapter 294A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 2, a Legislator who was appointed to fill a vacancy in the office of a Legislator during a period described in subsection 1 of NRS 294A.300 may, during the period described in subsection 1 of NRS 294A.300 in which the Legislator was appointed, solicit or accept a monetary contribution, or solicit or accept a commitment to make such a contribution, from another Legislator or from an organization whose primary purpose is to provide support for Legislators of a particular party and house.*

2. *A Legislator shall not:*

(a) Solicit or accept monetary contributions pursuant to subsection 1, or solicit or accept a commitment to make such contributions, in a total amount which exceeds \$10,000 for a regular session or \$1,200 for a special session.

(b) Use any monetary contribution solicited or accepted pursuant to subsection 1 to pay any expenses other than expenses described in subsection 3 of NRS 218A.645 which are in excess of the supplemental allowance to which the Legislator is entitled pursuant to that subsection.

3. *A Legislator who has received contributions pursuant to subsection 1 that were not spent or committed for expenditure before the end of the period described in subsection 1 of NRS 294A.300 in which the contributions were received shall, not later than 30 days after the end of that period, dispose of the money through one or any combination of the following methods:*

(a) Return the unspent money to the contributors;

(b) Donate the money to any tax-exempt nonprofit entity; or

(c) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

Sec. 3. NRS 294A.0035 is hereby amended to read as follows:

294A.0035 "Campaign expenses" means:

1. All expenses incurred by a candidate for a campaign, including, without limitation:

(a) Office expenses;

(b) Expenses related to volunteers;

(c) Expenses related to travel;

(d) Expenses related to advertising;

- (e) Expenses related to paid staff;
 - (f) Expenses related to consultants;
 - (g) Expenses related to polling;
 - (h) Expenses related to special events;
 - (i) Expenses related to a legal defense fund;
 - (j) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a committee for political action that is registered or required to be registered pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250;
 - (k) Fees for filing declarations of candidacy; and
 - (l) Repayment or forgiveness of a loan.
2. Expenditures, as defined in NRS 294A.0075.
3. The disposal of any unspent contributions pursuant to NRS 294A.160

~~[.] or section 2 of this act.~~

Sec. 4. ~~[NRS 294A.011 is hereby amended to read as follows:~~
~~294A.011 1. "Personal use" means any use of contributions to fulfill a~~
~~commitment, obligation or expense of:~~
~~[1.] (a) A candidate that would exist irrespective of his or her campaign.~~
~~[2.] (b) A public officer that would exist irrespective of the duties of his or~~
~~her public office,~~
~~as applicable.~~
~~2. The term does not include, without limitation, any use of contributions~~
~~by a Legislator to pay any expenses described in subsection 3 of NRS 218A.645~~
~~which are in excess of the supplemental allowance to which the Legislator is~~
~~entitled pursuant to that subsection.] (Deleted by amendment.)~~

Sec. 5. NRS 294A.160 is hereby amended to read as follows:

294A.160 1. It is unlawful for:

- (a) A candidate to spend money received as a contribution:
 - (1) For the candidate's personal use; or
 - (2) To pay himself or herself a salary.
- (b) A public officer to spend unspent contributions:
 - (1) For the public officer's personal use; or
 - (2) To pay himself or herself a salary.

2. Notwithstanding the provisions of NRS 294A.286, a candidate or public officer may use contributions to pay for any legal expenses that the candidate or public officer incurs in relation to a campaign or serving in public office without establishing a legal defense fund. Any such candidate or public officer shall report any expenditure of contributions to pay for legal expenses in the same manner and at the same time as the report filed pursuant to NRS 294A.120 or 294A.200. A candidate or public officer shall not use contributions to satisfy a civil or criminal penalty imposed by law.

3. Except as otherwise provided in subsection 5, every candidate for office at a primary election, general election or special election who is elected to that office and received contributions that were not spent or committed for

expenditure before the primary election, general election or special election shall dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Use the money in the candidate's next election or for the payment of other expenses related to public office or his or her campaign, regardless of whether he or she is a candidate for a different office in the candidate's next election;

(c) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) *If the candidate was elected to the office of a Legislator, another member of the Legislature who is authorized to solicit or accept contribution pursuant to section 2 of this act;*

(3) A political party; or

~~[(3)]~~ (4) Any combination of persons or groups set forth in subparagraphs (1) , ~~and~~ (2) ~~;~~ and (3);

(d) Donate the money to any tax-exempt nonprofit entity; or

(e) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

4. Except as otherwise provided in subsection 5, every candidate for office at a primary election, general election or special election who withdraws pursuant to NRS 293.202 or 293C.195 after filing a declaration of candidacy, is removed from the ballot by court order or is defeated for or otherwise not elected to that office and who received contributions that were not spent or committed for expenditure before the primary election, general election or special election shall, not later than the 15th day of the second month after the election, dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; or

(3) Any combination of persons or groups set forth in subparagraphs (1) and (2);

(c) Donate the money to any tax-exempt nonprofit entity; or

(d) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

5. Every candidate for office at a special election to recall a public officer shall dispose of the unspent contributions through one or any combination of the methods set forth in subsection 4 not later than the 15th day of the second

month following the last day for the candidate to receive a contribution pursuant to NRS 294A.115.

6. Every candidate for office who withdraws after filing a declaration of candidacy, is defeated for that office at a primary election or is removed from the ballot by court order before a primary election or general election and who received a contribution from a person in excess of \$5,000 shall, not later than the 15th day of the second month after the primary election or general election, as applicable, return any money in excess of \$5,000 to the contributor.

7. Except for a former public officer who is subject to the provisions of subsection 11, every person who qualifies as a candidate by receiving one or more qualifying contributions in excess of \$100 but who, within 4 years after the date of receiving the first of those qualifying contributions, does not:

(a) File a declaration of candidacy; or

(b) Appear on an official ballot at any election,

↪ shall, not later than the 15th day of the month after the end of the 4-year period, dispose of all contributions that have not been spent or committed for expenditure through one or any combination of the methods set forth in subsection 4.

8. Except as otherwise provided in subsection 9, every public officer who:

(a) Does not run for reelection to the office which he or she holds;

(b) Is not a candidate for any other office and does not qualify as a candidate by receiving one or more qualifying contributions in excess of \$100; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

↪ shall, not later than the 15th day of the second month after the expiration of the public officer's term of office, dispose of those contributions in the manner provided in subsection 4.

9. Every public officer who:

(a) Resigns from his or her office;

(b) Is not a candidate for any other office and does not qualify as a candidate by receiving one or more qualifying contributions in excess of \$100; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

↪ shall, not later than the 15th day of the second month after the effective date of the resignation, dispose of those contributions in the manner provided in subsection 4.

10. Except as otherwise provided in subsection 11, every public officer who:

(a) Does not run for reelection to the office which he or she holds or who resigns from his or her office;

(b) Is a candidate for any other office or qualifies as a candidate by receiving one or more qualifying contributions in excess of \$100; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

↪ may use the unspent contributions in a future election. Such a public officer is subject to the reporting requirements set forth in NRS 294A.120, 294A.125, 294A.128, 294A.200 and 294A.362 for as long as the public officer is a candidate for any office or qualifies as a candidate by receiving one or more qualifying contributions in excess of \$100.

11. Every former public officer described in subsection 10 who qualifies as a candidate by receiving one or more qualifying contributions in excess of \$100 but who, within 4 years after the date of receiving the first of those qualifying contributions, does not:

- (a) File a declaration of candidacy; or
- (b) Appear on an official ballot at any election,

↪ shall, not later than the 15th day of the month after the end of the 4-year period, dispose of all contributions that have not been spent or committed for expenditure through one or any combination of the methods set forth in subsection 4.

12. In addition to the methods for disposing of the unspent money set forth in this section, a Legislator may donate not more than \$500 of that money to the Nevada Silver Haired Legislative Forum created pursuant to NRS 427A.320.

13. Any contributions received before a candidate for office at a primary election, general election or special election dies that were not spent or committed for expenditure before the death of the candidate must be disposed of in the manner provided in subsection 4.

14. The court shall, in addition to any penalty which may be imposed pursuant to NRS 294A.420, order the candidate or public officer to dispose of any remaining contributions in the manner provided in this section.

15. As used in this section:

(a) "Contribution" includes, without limitation, any interest and other income earned on a contribution.

(b) "Qualifying contribution" means the receipt of a contribution that causes a person to qualify as a candidate pursuant to subsection 3 of NRS 294A.005.

Sec. 6. NRS 294A.200 is hereby amended to read as follows:

294A.200 1. Every candidate for office at a primary election or general election shall, not later than January 15 of the election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report:

(a) Each of the campaign expenses in excess of \$100 incurred during the period;

(b) Each amount in excess of \$100 disposed of pursuant to NRS 294A.160 or subsection 3 of NRS 294A.286 *or section 2 of this act* during the period;

(c) The total of all campaign expenses incurred during the period which are \$100 or less; and

(d) The total of all amounts disposed of during the period pursuant to NRS 294A.160 or subsection 3 of NRS 294A.286 *or section 2 of this act* which are \$100 or less.

2. In addition to the requirements set forth in subsection 1, every candidate for office at a primary election or general election shall, not later than:

(a) April 15 of the election year, for the period beginning January 1 and ending on March 31 of the election year;

(b) July 15 of the election year, for the period beginning April 1 and ending on June 30 of the election year;

(c) October 15 of the election year, for the period beginning July 1 and ending on September 30 of the election year; and

(d) January 15 of the year immediately following the election year, for the period beginning October 1 and ending on December 31 of the election year,
➡ report each of the campaign expenses described in subsection 1 incurred during the period.

3. Except as otherwise provided in subsections 4, 5 and 6 and NRS 294A.223, every candidate for office at a special election shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,
➡ report each of the campaign expenses described in subsection 1 incurred during the period.

4. Except as otherwise provided in subsections 5 and 6 and NRS 294A.223, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,
➡ report each of the campaign expenses described in subsection 1 incurred during the period.

5. Except as otherwise provided in subsection 6, if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of

that chapter, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each of the campaign expenses described in subsection 1 incurred during the period. The provisions of this subsection apply to the candidate for office at a special election if the petition for recall:

- (a) Is not submitted to the filing officer as required by chapter 306 of NRS;
- (b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or
- (c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.

6. If the legal sufficiency of a petition for recall is challenged and a district court determines that the petition is legally:

(a) Sufficient pursuant to chapter 306 of NRS and the order of the district court is appealed, every candidate for office at a special election to determine whether a public officer will be recalled shall:

(1) Not later than 30 days after the date on which the notice of appeal is filed, for the period from the filing of the notice of intent to circulate the petition for recall through the date on which the notice of appeal is filed, report each of the campaign expenses described in subsection 1 incurred during the period.

(2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date on which the notice of appeal is filed through the date on which all appeals regarding the petition are exhausted, report each of the campaign expenses described in subsection 1 incurred during the period.

(b) Insufficient pursuant to chapter 306 of NRS, every candidate for office at a special election to determine whether a public officer will be recalled shall:

(1) Not later than 30 days after the date on which the district court orders the filing officer to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each of the campaign expenses described in subsection 1 incurred during the period.

(2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date of the district court's order through the date on which all appeals regarding the petition are exhausted, report each of the campaign expenses described in subsection 1 incurred during the period.

7. In addition to complying with the applicable reporting requirements of subsections 1 to 6, inclusive, if a candidate is elected to office at a primary election, general election or special election, he or she must, not later than

January 15 of each year, report each of the campaign expenses described in subsection 1 incurred during the period beginning January 1 of the previous year and ending on December 31 of the previous year. The provisions of this subsection apply to the candidate until the year immediately preceding the next election year for that office. Nothing in this section:

(a) Requires the candidate to report a campaign expense that has previously been reported in a timely manner pursuant to subsections 1 to 6, inclusive; or

(b) Authorizes the candidate to not comply with the applicable requirements of subsections 1 to 6, inclusive, if he or she becomes a candidate for another office at a primary election, general election or special election during his or her term of office.

8. Except as otherwise provided in subsection 9, if a candidate disposes of contributions pursuant to NRS 294A.160 or 294A.286 *or section 2 of this act* in any calendar year for which the candidate is not required to file a report pursuant to other provisions of this section, the candidate shall on or before January 15 of the following year, for the period beginning January 1 and ending on December 31 of the calendar year, report:

(a) Each amount in excess of \$100 disposed of pursuant to NRS 294A.160 or 294A.286 *or section 2 of this act* during the period; and

(b) The total of all amounts disposed of during the period pursuant to NRS 294A.160 or 294A.286 *or section 2 of this act* which are \$100 or less.

9. If a candidate for office at a special election to determine whether a public officer will be recalled disposes of contributions pursuant to subsection 5 of NRS 294A.160, the candidate shall, on or before the 15th day of the second month following the last day for the candidate to receive a contribution pursuant to NRS 294A.115, report:

(a) Each amount in excess of \$100 disposed of pursuant to subsection 5 of NRS 294A.160; and

(b) The total of all amounts disposed of during the period pursuant to subsection 5 of NRS 294A.160 which are \$100 or less.

10. Except as otherwise provided in NRS 294A.3733, reports of campaign expenses must be filed electronically with the Secretary of State.

11. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

Sec. 7. NRS 294A.300 is hereby amended to read as follows:

294A.300 1. Except as otherwise provided in this section, it is unlawful for a member of the Legislature, the Lieutenant Governor, the Lieutenant Governor-Elect, the Governor or the Governor-Elect to solicit or accept any monetary contribution, or solicit or accept a commitment to make such a contribution for any political purpose during the period beginning:

(a) Thirty days before a regular session of the Legislature and ending 30 days after the final adjournment of a regular session of the Legislature;

(b) Fifteen days before a special session of the Legislature is set to commence and ending 15 days after the final adjournment of a special session of the Legislature, if:

(1) The Governor sets a specific date for the commencement of the special session that is more than 15 days after the date on which the Governor issues the proclamation calling for the special session pursuant to Section 9 of Article 5 of the Nevada Constitution; or

(2) The members of the Legislature set a date on or before which the Legislature is to convene the special session that is more than 15 days after the date on which the Secretary of State receives one or more substantially similar petitions signed, in the aggregate, by the required number of members calling for the special session pursuant to Section 2A of Article 4 of the Nevada Constitution; or

(c) The day after:

(1) The date on which the Governor issues the proclamation calling for the special session and ending 15 days after the final adjournment of the special session if the Governor sets a specific date for the commencement of the special session that is 15 or fewer days after the date on which the Governor issues the proclamation calling for the special session; or

(2) The date on which the Secretary of State receives one or more substantially similar petitions signed, in the aggregate, by the required number of members of the Legislature calling for the special session and ending 15 days after the final adjournment of the special session if the members set a date on or before which the Legislature is to convene the special session that is 15 or fewer days after the date on which the Secretary of State receives the petitions.

2. Except as otherwise provided in this section, a person shall not make or commit to make a contribution or commitment prohibited by subsection 1.

3. This section does not prohibit the payment of a salary or other compensation or income to a member of the Legislature, the Lieutenant Governor or the Governor during the period set forth in subsection 1 if it is made for services provided as a part of his or her regular employment or is additional income to which he or she is entitled.

4. This section does not apply to any monetary contribution or commitment to make such a contribution that may be given to or accepted by a person pursuant to NRS 294A.115. The provisions of this subsection do not authorize:

(a) A person to accept or solicit a contribution, or solicit or accept a commitment to make such a contribution, other than a contribution authorized pursuant to NRS 294A.115.

(b) A person to make or commit to make a contribution other than a contribution authorized pursuant to NRS 294A.115.

5. *This section does not apply to any monetary contribution or commitment to make such a contribution that may be given to or accepted by a Legislator pursuant to section 2 of this act.*

6. As used in this section, "political purpose" includes, without limitation, the establishment of, or the addition of money to, a legal defense fund.

Sec. 8. NRS 294A.350 is hereby amended to read as follows:

294A.350 1. Except as otherwise provided in subsection 2, every candidate for office shall file the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.200, 294A.286 and 294A.362, even though the candidate:

- (a) Withdraws his or her candidacy pursuant to NRS 293.202 or 293C.195;
- (b) Ends his or her campaign without withdrawing his or her candidacy pursuant to NRS 293.202 or 293C.195;
- (c) Receives no contributions;
- (d) Has no campaign expenses;
- (e) Is not opposed in the election by another candidate;
- (f) Is defeated in the primary election;
- (g) Is removed from the ballot by court order; or
- (h) Is the subject of a petition to recall and the special election is not held.

2. A candidate described in paragraph (a), (b), (f) or (g) of subsection 1 may simultaneously file all the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.200, 294A.286 and 294A.362 that are due after the candidate disposes of any unspent or excess contributions as provided in subsections 4, 5 and 6 of NRS 294A.160 ~~or~~ *or section 2 of this act*, as applicable, if the candidate gives written notice to the Secretary of State, on the form prescribed by the Secretary of State, that the candidate is ending his or her campaign and will not accept any additional contributions. If the candidate has submitted a withdrawal of candidacy pursuant to NRS 293.202 or 293C.195 to an officer other than the Secretary of State, the candidate must enclose with the notice a copy of the withdrawal of candidacy. A form submitted to the Secretary of State pursuant to this subsection must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

3. A candidate described in paragraph (b) of subsection 1 who simultaneously files reports pursuant to subsection 2 but is elected to office despite ending his or her campaign is subject to the reporting requirements set forth in NRS 294A.120, 294A.125, 294A.128, 294A.200, 294A.286 and 294A.362, beginning with the next report that is due pursuant to those sections after his or her election to office.

Sec. 9. NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report required pursuant to NRS 294A.210, 294A.220 and 294A.280 must consist of a list of each expenditure in excess of \$100 or \$1,000, as is appropriate, that was made during the periods for reporting. Each report required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each campaign expense in excess of \$100 that was incurred during the periods for reporting. The list in each report must state the category and amount of the campaign expense or expenditure and the date on which the campaign expense was incurred or the expenditure was made.

2. The categories of campaign expense or expenditure for use on the report of campaign expenses or expenditures are:

- (a) Office expenses;
- (b) Expenses related to volunteers;
- (c) Expenses related to travel;
- (d) Expenses related to advertising;
- (e) Expenses related to paid staff;
- (f) Expenses related to consultants;
- (g) Expenses related to polling;
- (h) Expenses related to special events;
- (i) Expenses related to a legal defense fund;
- (j) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid;
- (k) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a committee for political action that is registered or required to be registered pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250;
- (l) Fees for filing declarations of candidacy;
- (m) Repayments or forgiveness of loans;
- (n) The disposal of unspent contributions pursuant to NRS 294A.160 ~~to~~ *or section 2 of this act*; and
- (o) Other miscellaneous expenses.

3. Each report of campaign expenses or expenditures described in subsection 1 must:

- (a) List the disposition of any unspent contributions using the categories set forth in subsection 3 of NRS 294A.160 or subsection 3 of NRS 294A.286 ~~to~~ *or section 2 of this act*, as applicable; and
- (b) For any campaign expense or expenditure that is paid for using a credit card or debit card, itemize each transaction and identify the business or other entity from whom the purchase of the campaign expense or expenditure was made.

Sec. 10. This act becomes effective upon passage and approval.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 825 to Assembly Bill No. 441 deletes section 4 of the bill which proposes to amend the definition of "personal use" as it relates to contributions used to cover expenses incurred by a Legislator that are the nexus of his or her entitled supplemental allowance.

Amendment adopted.

Bill read third time.

Remarks by Senator Ohrenschall.

Assembly Bill No. 441 provides that when a legislative vacancy occurs after the general election, but before the regular Session is convened, the caucus leader of the House and party of which that Legislator was a member may allocate all, some or none of the former Legislator's allocated requests for drafting legislative measures, otherwise known as bill draft requests (BDRs). The bill establishes deadlines for submitting the BDRs and for providing the details needed to

draft the legislation. Requests allocated to other Legislators are not counted against that Legislator's existing BDR limits. Any such requests sent to Committees must be approved by a majority of the members of the Committee prior to submittal for drafting. Further, a Legislator appointed to fill a vacancy is authorized to solicit or accept contributions from other Legislators or from an organization whose primary purpose is to support Legislators of a particular party or House. The contribution amount that may be accepted must not exceed \$10,000 for a regular Session or \$1,200 for Special Session. Limits are placed on how that money may be spent, and conditions are specified for the disposal of unspent contributions.

Roll call on Assembly Bill No. 441:

YEAS—19.

NAYS—Pickard, Settelmeyer—2.

Assembly Bill No. 441 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Madam President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 10:50 p.m.

SENATE IN SESSION

At 10:57 p.m.

President Marshall presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 241.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 842.

SUMMARY—Establishes provisions governing credits on terms of imprisonment during certain declarations of emergency. (BDR 16-982)

AN ACT relating to offenders; establishing a credit against the sentence of certain offenders incarcerated during a state of emergency declared due to a communicable or infectious disease; requiring the Director of the Department of Corrections to submit a report containing a list of the offenders who have received such a credit; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law permits an offender to earn certain credits to reduce his or her sentence of imprisonment. (NRS 209.433-209.449) Section 1 of this bill allows for an additional credit of 5 days for each month served by an offender who is incarcerated in an institution or facility of the Department of Corrections during a period in which a state of emergency due to a communicable or infectious disease has been declared by the Governor and remains in effect. Section 1 also: (1) limits such credits an offender may earn to not more than 60 days of credit for any state of emergency; (2) requires such credits to apply to eligibility for parole and to be deducted from the minimum

term or the minimum aggregate term imposed by the sentence, as applicable, until the offender becomes eligible for parole, unless the offender was sentenced pursuant to a statute which specifies a minimum sentence which must be served before a person becomes eligible for parole; (3) requires such credits to be deducted from the maximum term or maximum aggregate term imposed by the sentence, as applicable; and (4) requires the Director of the Department, not later than 60 days after a state of emergency due to a communicable or infectious disease has been declared by the Governor, to submit a report containing a list of the offenders who have received such credits to the Chief Justice of the Nevada Supreme Court, the State Public Defender, the Attorney General, the Executive Director of the Department of Sentencing Policy and the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Advisory Commission on the Administration of Justice. Section 2 of this bill makes a conforming change to indicate the appropriate placement of section 1 in the Nevada Revised Statutes.

Section 2.5 of this bill: (1) requires the credits authorized by section 1 to be applied retroactively to the sentence of an offender who was incarcerated in an institution or facility of the Department of Corrections during the period in which the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020, was in effect; and (2) specifies that the credits applied retroactively are an act of grace of the State, that no person has a right to parole and that the application of such credits is not intended to create any right or interest in liberty or property or establish a basis for any cause of action against the State or its political subdivisions, agencies, boards, commissions, departments, officers or employees. Section 2.5 also requires the Director of the Department, not later than 60 days after the effective date of this bill, to submit a report containing a list of the offenders who have received credits pursuant to the provisions of this bill for the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020, to the Chief Justice of the Nevada Supreme Court, the State Public Defender, the Attorney General, the Executive Director of the Department of Sentencing Policy and the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Advisory Commission on the Administration of Justice.

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

Section 1. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *An offender who is actually incarcerated in an institution or facility of the Department pursuant to his or her sentence during a period in which a state of emergency due to a communicable or infectious disease has been declared by the Governor and remains in effect must be allowed, in addition to the credits provided pursuant to NRS 209.433, 209.443, 209.446 or 209.4465, a deduction of 5 days from his or her sentence for each month the*

offender serves during the state of emergency. An offender shall not be allowed more than 60 days of credit pursuant to this section.

2. Credits earned pursuant to this section:

(a) Apply to eligibility for parole and must be deducted from the minimum term or the minimum aggregate term imposed by the sentence, as applicable, until the offender becomes eligible for parole, unless the offender was sentenced pursuant to a statute which specifies a minimum sentence which must be served before a person becomes eligible for parole; and

(b) Must be deducted from the maximum term or the maximum aggregate term imposed by the sentence, as applicable.

3. Not later than 60 days after a state of emergency due to a communicable or infectious disease has been declared by the Governor, the Director shall submit a report containing a list of the offenders who have received credits pursuant to this section to the Chief Justice of the Nevada Supreme Court, the State Public Defender, the Attorney General, the Executive Director of the Department of Sentencing Policy and the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Advisory Commission on the Administration of Justice.

4. As used in this section:

(a) "Communicable disease" means an infectious disease that can be transmitted from person to person, animal to person or insect to person.

(b) "Infectious disease" means a disease caused by a living organism or other pathogen, including a fungus, bacillus, parasite, protozoan or virus. An infectious disease may or may not be transmissible from person to person, animal to person or insect to person.

Sec. 2. NRS 209.432 is hereby amended to read as follows:

209.432 As used in NRS 209.432 to 209.453, inclusive, and section 1 of this act, unless the context otherwise requires:

1. "Offender" includes:

(a) A person who is convicted of a felony under the laws of this State and sentenced, ordered or otherwise assigned to serve a term of residential confinement.

(b) A person who is convicted of a felony under the laws of this State and assigned to the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888.

2. "Residential confinement" means the confinement of a person convicted of a felony to his or her place of residence under the terms and conditions established pursuant to specific statute. The term does not include any confinement ordered pursuant to NRS 176A.530 to 176A.560, inclusive, 176A.660 to 176A.690, inclusive, 213.15105, 213.15193 or 213.152 to 213.1528, inclusive.

Sec. 2.5. 1. Subject to the provisions of subsection 2, the credits provided in section 1 of this act must be applied retroactively to reduce the term of imprisonment of an offender who was actually incarcerated in an institution or facility of the Department of Corrections during the period in

which the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020, was in effect.

2. The credits provided in section 1 of this act and applied retroactively pursuant to subsection 1 are an act of grace of the State. No person has a right to parole and the application of these credits is not intended to create any right or interest in liberty or property or establish a basis for any cause of action against the State or its political subdivisions, agencies, boards, commissions, departments, officers or employees.

3. Not later than 60 days after the effective date of this act, the Director of the Department of Corrections shall submit a report containing a list of the offenders who have received credits pursuant to the provisions of subsection 1 and section 1 of this act for the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020, to the Chief Justice of the Nevada Supreme Court, the State Public Defender, the Attorney General, the Executive Director of the Department of Sentencing Policy and the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Advisory Commission on the Administration of Justice.

Sec. 3. (Deleted by amendment.)

Sec. 3.5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

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

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Senate Amendment No. 842 adds section 2.5 to Assembly Bill No. 241 which requires the retroactive application of credits against the sentence of an offender who was incarcerated in an institution or facility of the Department of Corrections during the period described in the Declaration of Emergency for COVID-19 issued on March 12, 2020. It specifies that the credits applied retroactively are an act of grace of the State, and that no person has a right to parole and the application of such credits is not intended to create any right or interest in liberty or property or establish a basis for any cause of action against the State or its political subdivisions. It requires the Director of the Department of Corrections to submit a report containing a list of the offenders who received such credits not later than 60 days after the effective date of this act related to the Declaration.

Amendment adopted.

Bill read third time.

Remarks by Senator Denis.

Assembly Bill No. 241 establishes a credit against the sentence of an offender who is incarcerated in an institution or facility of the Department of Corrections during a state of emergency. It requires the Director of the Department of Corrections to submit a report containing a list of offenders who have received such credits to the Chief Justice of the Nevada Supreme Court, the State Public Defender, the Attorney General, the Executive Director of the Department of Sentencing Policy and the Director of LCB.

Roll call on Assembly Bill No. 241:

YEAS—16.

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

Assembly Bill No. 241 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 355.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 840.

SUMMARY—Makes appropriations for various purposes relating to health and education. (BDR S-976)

AN ACT making appropriations for various purposes relating to health and education; and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of \$750,000 for allocation to the International Gaming Institute of the University of Nevada, Las Vegas for the "Expanding the Leaderverse" initiative to increase the diversity of the leadership in the gaming industry.

2. Allocation of the money appropriated by subsection 1 is contingent upon matching money being obtained by the International Gaming Institute, including, without limitation, gifts, grants and donations to the International Gaming Institute from private and public sources of money other than the appropriation made by subsection 1. The Interim Finance Committee shall not direct the transfer of any portion of money from the appropriation made by subsection 1 until the International Gaming Institute submits to the Committee proof satisfactory to the Committee that matching money in an equivalent amount has been committed.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 2. 1. There is hereby appropriated from the State General Fund to the Nevada Center for Civic Engagement the sum of \$350,000 to support the We the People: The Citizen and the Constitution Program in Nevada's elementary, junior high, middle and high schools. ~~[the following sums:~~

~~For the Fiscal Year 2021-2022.....\$175,000~~

~~For the Fiscal Year 2022-2023.....\$175,000~~

2. Upon acceptance of the money appropriated by subsection 1, the Nevada Center for Civic Engagement agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 16, 2022, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Nevada Center for Civic Engagement through December 1, 2022;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 15, 2023, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Nevada Center for Civic Engagement through June 30, 2023; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Nevada Center for Civic Engagement, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to subsection 1.

3. ~~[The sums appropriated by subsection 1 are available for either fiscal year.]~~ Any remaining balance of ~~[those sums]~~ the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 3. 1. There is hereby appropriated from the State General Fund to the Lou Ruvo Center for Brain Health the sum of \$2,000,000 for research, clinical studies, operations and educational programs at the Center.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 4. 1. There is hereby appropriated from the State General Fund to the Lou Ruvo Center for Brain Health the sum of \$1,084,686 for operations and educational programs to restore funding previously received by the Center for this purpose from the University of Nevada, Reno, School of Medicine. ~~[the following sums:]~~

~~For the Fiscal Year 2021-2022.....~~	~~\$542,343~~
~~For the Fiscal Year 2022-2023.....~~	~~\$542,343~~

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 5. Upon acceptance of the money appropriated by sections 3 and 4 of this act, the Lou Ruvo Center for Brain Health agrees to:

1. Prepare and transmit a report to the Interim Finance Committee on or before December 16, 2022, that describes each expenditure made from the money appropriated by sections 3 and 4 of this act from the date on which the money was received by the Lou Ruvo Center for Brain Health through December 1, 2022;

2. Prepare and transmit a final report to the Interim Finance Committee on or before September 15, 2023, that describes each expenditure made from the money appropriated by sections 3 and 4 of this act from the date on which the money was received by the Lou Ruvo Center for Brain Health through June 30, 2023; and

3. Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Lou Ruvo Center for Brain Health, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to sections 3 and 4 of this act.

Sec. 6. 1. There is hereby appropriated from the State General Fund to the Nevada Blind Children's Foundation the sum of \$1,000,000 for children to attend afterschool programs offered by the Nevada Blind Children's Foundation.

2. Upon acceptance of the money appropriated by subsection 1, the Nevada Blind Children's Foundation agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 16, 2022, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Nevada Blind Children's Foundation through December 1, 2022;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 15, 2023, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Nevada Blind Children's Foundation through June 30, 2023; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Nevada Blind

Children's Foundation, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to subsection 1.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 7. 1. There is hereby appropriated from the State General Fund to the Nevada State Museum Las Vegas the sum of \$2,000,000 to provide grant money to the Springs Preserve Foundation to be used to design and construct an ethnobotanical garden at the Las Vegas Springs Preserve to interpret plant life and crops used by prehistoric indigenous communities for agricultural, medicinal and construction purposes.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 8. 1. There is hereby appropriated from the State General Fund to Immunize Nevada the sum of \$1,000,000 for its activities relating to public health.

2. Upon acceptance of the money appropriated by subsection 1, Immunize Nevada agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 16, 2022, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by Immunize Nevada through December 1, 2022;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 15, 2023, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by Immunize Nevada through June 30, 2023; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of Immunize Nevada, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to subsection 1.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

~~[Sec. 8.]~~ Sec. 9. ~~[1.]~~ This ~~[section and sections 1, 3, 5, 6 and 7 of this]~~ act ~~[become]~~ becomes effective upon passage and approval.

~~[2. Sections 2 and 4 of this act become effective on July 1, 2021.]~~

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Senate Amendment No. 840 to Assembly Bill No. 355 makes technical adjustments to sections 2 and 4 to consolidate the proposed funding in each section into one, one-time appropriation with no change in total amount nor purpose to make those sections consistent with the other General Fund appropriations in sections 1, 3, 5, 6, 7 and 8.

Additionally, Senate Amendment No. 840 adds section 8 which makes a one-time General Fund appropriation of \$1 million to the Immunize Nevada organization.

Amendment adopted.

Bill read third time.

Remarks by Senator Ratti.

Assembly Bill No. 355 appropriates General Fund appropriations totaling \$8.2 million in one-time funding in Fiscal Year 2021 to the following not-for-profit entities: the International Gaming Institute of UNLV for Expanding the Leaderverse initiative; the Nevada Center for Civic Engagement for the We The People program; the Lou Ruvo Center for Brain Health for research, clinical studies, operations and educational programs; the Nevada Blind Children's Foundation for afterschool programs; the Nevada State Museum of Las Vegas to construct an ethnobotanical garden at the Springs Preserve, and Immunize Nevada for public-health activities.

Roll call on Assembly Bill No. 355:

YEAS—18.

NAYS—Buck, Hansen, Pickard—3.

Assembly Bill No. 355 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. 5.

The following Assembly amendment was read:

Amendment No. 608.

SUMMARY—Makes changes relating to telehealth. (BDR 40-416)

AN ACT relating to health care; requiring the Department of Health and Human Services to establish an electronic tool to analyze certain data concerning access to telehealth; requiring certain entities to review access to services provided through telehealth and evaluate policies to make such access more equitable; revising provisions governing services provided through

telehealth and insurance coverage of such services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) defines the term "telehealth" to mean the delivery of services from a provider of health care to a patient at a different location through the use of information and audio-visual communication technology, not including standard telephone, facsimile or electronic mail; and (2) requires a provider of health care who is located in another state to hold a valid license or certificate in this State before using telehealth to provide certain services to a patient located in this State. (NRS 629.515) ~~(Sections 7 and 8 of this bill provide that for the purposes of certain policies of insurance related to industrial insurance, telehealth includes only synchronous interactions. Section 8 of this bill (clarify) provides that for certain other purposes telehealth includes both synchronous and asynchronous interactions. Section 8 includes as telehealth the delivery of services from a provider of health care to a patient at a different location through an audio-only interaction, which may include the use of a standard telephone. Section 8 expressly authorizes a provider of health care to establish a relationship with a patient through telehealth and authorizes the State Board of Health to adopt regulations governing the establishment of a relationship in that manner. Section 1 of this bill requires the Department of Health and Human Services, to the extent that money is available, to establish a data dashboard that allows for the analysis of data relating to access to telehealth by different groups and populations in this State.~~

Existing law establishes: (1) the Commission on Behavioral Health, which is comprised of certain providers and consumers of behavioral health services and members of the general public and which establishes policies relating to services for persons with certain behavioral health issues; (2) five regional behavioral health policy boards, each of which is comprised of a Legislator and various persons with knowledge and experience concerning behavioral health in five designated regions of this State and each of which gathers information and provides advice concerning behavioral health needs in the region served by the board; (3) the Patient Protection Commission, which is comprised of stakeholders in the health care industry and which studies issues related to the health care needs of residents of this State; and (4) the Legislative Committee on Health Care, which is comprised of legislators with knowledge of and experience with health care and studies issues related to health care during the interim period between regular legislative sessions. (NRS 232.361, 433.428, 433.429, 433.4295, 439.908, 439.916, 439B.200, 439B.210, 439B.220) If a data dashboard is established pursuant to section 1, sections 2, 3, 5 and 6 of this bill expand the duties of those bodies to include: (1) using the data dashboard to review access by different groups and populations in this State to services provided through telehealth; and (2) evaluating policies to make such access more equitable. Sections 1 and 2 of this bill require the data dashboard, if established, to be accessible through Internet websites

maintained by the Department and the Patient Protection Commission, respectively.

Existing law imposes certain requirements concerning coverage of telehealth services by insurers and certain other third-party payers. Those requirements: (1) include a requirement that an insurer or other third-party payer must cover services provided through telehealth to the same extent as if provided in person or by other means, regardless of the site at which the provider or patient is located; and (2) apply to health coverage, including Medicaid and health plans for state and local government employees, and workers' compensation coverage. (NRS 287.010, 287.04335, 422.2721, 616C.730, 689A.0463, 689B.0369, 689C.195, 695A.265, 695B.1904, 695C.1708, 695D.216, 695G.162) Because section 8 includes services provided through audio-only interaction within the definition of "telehealth" for the purposes of those requirements, section 8 makes those requirements applicable to services provided through audio-only interaction. However, section 7 excludes services provided through audio-only interaction from the definition of "telehealth" for the purposes of industrial insurance, thereby excluding industrial insurance from those requirements governing coverage of services provided through audio-only interaction. Sections 4 and 9-16 additionally prohibit a third-party payer who is not an industrial insurer from: (1) refusing to pay for services provided through telehealth because of the technology used to provide the services; or (2) categorizing a service provided through telehealth differently for purposes relating to coverage or reimbursement than if the service had been provided in person or through other means. Sections 4 ~~and 9-16~~, 9, 10, 11, 12, 13, 14, 15 and 16 also require a third-party payer who is not an industrial insurer to cover services provided through telehealth, except for services provided through audio-only interaction, in the same amount as services provided in person or by other means. Sections 4.3-4.9, 9.3-9.9, 10.3-10.9, 11.3-11.9, 12.3-12.9, 13.3-13.9, 14.3-14.9, 15.5, 16.1-16.3 and 17 of this act: (1) expire that requirement, as it applies to services other than mental health services, by limitation 1 year after the termination of the emergency declared for COVID-19 or on June 30, 2023, whichever is earlier; and (2) expire that requirement, as it applies to mental health services, by limitation on June 30, 2023.

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *To the extent that money is available for this purpose, the Department shall:*

(a) Establish a data dashboard that allows for the analysis of data relating to access to telehealth by different groups and populations in this State. The data dashboard must, to the extent authorized by federal law:

(1) *Include, without limitation, data concerning health care services, behavioral health services and dental services provided through telehealth; and*

(2) *Allow for the user to sort data based on the race, ethnicity, ancestry, national origin, color, sex, sexual orientation, gender identity or expression, mental or physical disability, income level or location of residence of the patient, type of telehealth service and any other category determined useful by the Department; and*

(b) *Make the data dashboard available on an Internet website maintained by the Department.*

2. *As used in this section:*

(a) *"Data dashboard" means a computerized tool that:*

(1) *Provides a centralized, interactive means of monitoring, measuring, analyzing and extracting relevant information from different sets of data; and*

(2) *Displays information in an interactive, intuitive and visual manner.*

(b) *"Telehealth" has the meaning ascribed to it in NRS 629.515.*

Sec. 2. NRS 439.916 is hereby amended to read as follows:

439.916 1. The Commission shall systematically review issues related to the health care needs of residents of this State and the quality, accessibility and affordability of health care, including, without limitation, prescription drugs, in this State. The review must include, without limitation:

(a) Comprehensively examining the system for regulating health care in this State, including, without limitation, the licensing and regulation of health care facilities and providers of health care and the role of professional licensing boards, commissions and other bodies established to regulate or evaluate policies related to health care.

(b) Identifying gaps and duplication in the roles of such boards, commissions and other bodies.

(c) Examining the cost of health care and the primary factors impacting those costs.

(d) Examining disparities in the quality and cost of health care between different groups, including, without limitation, minority groups and other distinct populations in this State.

(e) Reviewing the adequacy and types of providers of health care who participate in networks established by health carriers in this State and the geographic distribution of the providers of health care who participate in each such network.

(f) Reviewing the availability of health benefit plans, as defined in NRS 687B.470, in this State.

(g) Reviewing the effect of any changes to Medicaid, including, without limitation, the expansion of Medicaid pursuant to the Patient Protection and Affordable Care Act, Public Law 111-148, on the cost and availability of health care and health insurance in this State.

(h) *If a data dashboard is established pursuant to section 1 of this act, using the data dashboard to review access by different groups and populations in*

this State to services provided through telehealth and evaluating policies to make such access more equitable.

(i) Reviewing proposed and enacted legislation, regulations and other changes to state and local policy related to health care in this State.

~~[(i)]~~ (j) Researching possible changes to state or local policy in this State that may improve the quality, accessibility or affordability of health care in this State, including, without limitation:

(1) The use of purchasing pools to decrease the cost of health care;

(2) Increasing transparency concerning the cost or provision of health care;

(3) Regulatory measures designed to increase the accessibility and the quality of health care, regardless of geographic location or ability to pay;

(4) Facilitating access to data concerning insurance claims for medical services to assist in the development of public policies;

(5) Resolving problems relating to the billing of patients for medical services;

(6) Leveraging the expenditure of money by the Medicaid program and reimbursement rates under Medicaid to increase the quality and accessibility of health care for low-income persons; and

(7) Increasing access to health care for uninsured populations in this State, including, without limitation, retirees and children.

~~[(j)]~~ (k) Monitoring and evaluating proposed and enacted federal legislation and regulations and other proposed and actual changes to federal health care policy to determine the impact of such changes on the cost of health care in this State.

~~[(k)]~~ (l) Evaluating the degree to which the role, structure and duties of the Commission facilitate the oversight of the provision of health care in this State by the Commission and allow the Commission to perform activities necessary to promote the health care needs of residents of this State.

~~[(l)]~~ (m) Making recommendations to the Governor, the Legislature, the Department of Health and Human Services, local health authorities and any other person or governmental entity to increase the quality, accessibility and affordability of health care in this State, including, without limitation, recommendations concerning the items described in this subsection.

2. *If a data dashboard is established pursuant to section 1 of this act, the Commission shall make available on an Internet website maintained by the Commission a hyperlink to the data dashboard.*

3. As used in this section:

(a) "Health carrier" has the meaning ascribed to it in NRS 687B.625.

(b) "Network" has the meaning ascribed to it in NRS 687B.640.

(c) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 3. NRS 439B.220 is hereby amended to read as follows:

439B.220 The Committee may:

1. Review and evaluate the quality and effectiveness of programs for the prevention of illness.

2. Review and compare the costs of medical care among communities in Nevada with similar communities in other states.

3. Analyze the overall system of medical care in the State to determine ways to coordinate the providing of services to all members of society, avoid the duplication of services and achieve the most efficient use of all available resources.

4. Examine the business of providing insurance, including the development of cooperation with health maintenance organizations and organizations which restrict the performance of medical services to certain physicians and hospitals, and procedures to contain the costs of these services.

5. Examine hospitals to:

(a) Increase cooperation among hospitals;

(b) Increase the use of regional medical centers; and

(c) Encourage hospitals to use medical procedures which do not require the patient to be admitted to the hospital and to use the resulting extra space in alternative ways.

6. Examine medical malpractice.

7. Examine the system of education to coordinate:

(a) Programs in health education, including those for the prevention of illness and those which teach the best use of available medical services; and

(b) The education of those who provide medical care.

8. Review competitive mechanisms to aid in the reduction of the costs of medical care.

9. Examine the problem of providing and paying for medical care for indigent and medically indigent persons, including medical care provided by physicians.

10. Examine the effectiveness of any legislation enacted to accomplish the purpose of restraining the costs of health care while ensuring the quality of services, and its effect on the subjects listed in subsections 1 to 9, inclusive.

11. Determine whether regulation by the State will be necessary in the future by examining hospitals for evidence of:

(a) Degradation or discontinuation of services previously offered, including without limitation, neonatal care, pulmonary services and pathology services; or

(b) A change in the policy of the hospital concerning contracts,
➡ as a result of any legislation enacted to accomplish the purpose of restraining the costs of health care while ensuring the quality of services.

12. Study the effect of the acuity of the care provided by a hospital upon the revenues of the hospital and upon limitations upon that revenue.

13. Review the actions of the Director in administering the provisions of NRS 439B.160 to 439B.500, inclusive, and adopting regulations pursuant to those provisions. The Director shall report to the Committee concerning any regulations proposed or adopted pursuant to NRS 439B.160 to 439B.500, inclusive.

14. Identify and evaluate, with the assistance of an advisory group, the alternatives to institutionalization for providing long-term care, including, without limitation:

(a) An analysis of the costs of the alternatives to institutionalization and the costs of institutionalization for persons receiving long-term care in this State;

(b) A determination of the effects of the various methods of providing long-term care services on the quality of life of persons receiving those services in this State;

(c) A determination of the personnel required for each method of providing long-term care services in this State; and

(d) A determination of the methods for funding the long-term care services provided to all persons who are receiving or who are eligible to receive those services in this State.

15. Evaluate, with the assistance of an advisory group, the feasibility of obtaining a waiver from the Federal Government to integrate and coordinate acute care services provided through Medicare and long-term care services provided through Medicaid in this State.

16. Evaluate, with the assistance of an advisory group, the feasibility of obtaining a waiver from the Federal Government to eliminate the requirement that elderly persons in this State impoverish themselves as a condition of receiving assistance for long-term care.

17. *If a data dashboard is established pursuant to section 1 of this act, use the data dashboard to review access by different groups and populations in this State to services provided through telehealth, as defined in NRS 629.515, and evaluate policies to make such access more equitable.*

18. Conduct investigations and hold hearings in connection with its review and analysis and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive.

~~{18.}~~ 19. Apply for any available grants and accept any gifts, grants or donations to aid the Committee in carrying out its duties pursuant to NRS 439B.160 to 439B.500, inclusive.

~~{19.}~~ 20. Direct the Legislative Counsel Bureau to assist in its research, investigations, review and analysis.

~~{20.}~~ 21. Recommend to the Legislature as a result of its review any appropriate legislation.

Sec. 4. NRS 422.2721 is hereby amended to read as follows:

422.2721 1. The Director shall include in the State Plan for Medicaid:

(a) A requirement that the State, and, to the extent applicable, any of its political subdivisions, shall pay for the nonfederal share of expenses for services provided to a person through telehealth to the same extent *and, except for services provided through audio-only interaction, in the same amount* as though provided in person or by other means; and

(b) A provision prohibiting the State from:

(1) Requiring a person to obtain prior authorization that would not be required if a service were provided in person or through other means, establish

a relationship with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to paying for services as described in paragraph (a). The State Plan for Medicaid may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or through other means.

(2) Requiring a provider of health care to demonstrate that it is necessary to provide services to a person through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to paying for services as described in paragraph (a).

(3) Refusing to pay for services as described in paragraph (a) because of ~~the~~ :

(I) *The distant site from which a provider of health care provides services through telehealth or the originating site at which a person who is covered by the State Plan for Medicaid receives services through telehealth* ~~[-]~~ ; or

(II) *The technology used to provide the services.*

(4) Requiring services to be provided through telehealth as a condition to paying for such services.

(5) *Categorizing a service provided through telehealth differently for purposes relating to coverage or reimbursement than if the service had been provided in person or through other means.*

2. The provisions of this section do not:

(a) Require the Director to include in the State Plan for Medicaid coverage of any service that the Director is not otherwise required by law to include; or

(b) Require the State or any political subdivision thereof to:

(1) Ensure that covered services are available to a recipient of Medicaid through telehealth at a particular originating site; or

(2) Provide coverage for a service that is not included in the State Plan for Medicaid or provided by a provider of health care that does not participate in Medicaid.

3. As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 4.3. NRS 422.2721 is hereby amended to read as follows:

422.2721 1. The Director shall include in the State Plan for Medicaid:

(a) A requirement that the State, and, to the extent applicable, any of its political subdivisions, shall pay for the nonfederal share of expenses for services provided to a person through telehealth to the same extent and, *for mental health services* except ~~for~~ *when such services are* provided through audio-only interaction, in the same amount as though provided in person or by other means; and

(b) A provision prohibiting the State from:

(1) Requiring a person to obtain prior authorization that would not be required if a service were provided in person or through other means, establish a relationship with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to paying for services as described in paragraph (a). The State Plan for Medicaid may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or through other means.

(2) Requiring a provider of health care to demonstrate that it is necessary to provide services to a person through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to paying for services as described in paragraph (a).

(3) Refusing to pay for services as described in paragraph (a) because of:

(I) The distant site from which a provider of health care provides services through telehealth or the originating site at which a person who is covered by the State Plan for Medicaid receives services through telehealth ;
or

(II) The technology used to provide the services.

(4) Requiring services to be provided through telehealth as a condition to paying for such services.

(5) Categorizing a service provided through telehealth differently for purposes relating to coverage ~~(or reimbursement)~~ than if the service had been provided in person or through other means.

(6) Categorizing a mental health service provided through telehealth, other than through audio-only interaction, differently for purposes relating to reimbursement than if the service had been provided in person or by other means.

2. The provisions of this section do not:

(a) Require the Director to include in the State Plan for Medicaid coverage of any service that the Director is not otherwise required by law to include; or

(b) Require the State or any political subdivision thereof to:

(1) Ensure that covered services are available to a recipient of Medicaid through telehealth at a particular originating site; or

(2) Provide coverage for a service that is not included in the State Plan for Medicaid or provided by a provider of health care that does not participate in Medicaid.

3. As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 4.6. NRS 422.2721 is hereby amended to read as follows:

422.2721 1. The Director shall include in the State Plan for Medicaid:

(a) A requirement that the State, and, to the extent applicable, any of its political subdivisions, shall pay for the nonfederal share of expenses for

services provided to a person through telehealth to the same extent ~~and, for mental health services except where such services are provided through audio only interaction, in the same amount~~ as though provided in person or by other means; and

(b) A provision prohibiting the State from:

(1) Requiring a person to obtain prior authorization that would not be required if a service were provided in person or through other means, establish a relationship with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to paying for services as described in paragraph (a). The State Plan for Medicaid may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or through other means.

(2) Requiring a provider of health care to demonstrate that it is necessary to provide services to a person through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to paying for services as described in paragraph (a).

(3) Refusing to pay for services as described in paragraph (a) because of:

(I) The distant site from which a provider of health care provides services through telehealth or the originating site at which a person who is covered by the State Plan for Medicaid receives services through telehealth; or

(II) The technology used to provide the services.

(4) Requiring services to be provided through telehealth as a condition to paying for such services.

(5) Categorizing a service provided through telehealth differently for purposes relating to coverage than if the service had been provided in person or through other means.

~~[(6) Categorizing a mental health service provided through telehealth, other than through audio only interaction, differently for purposes relating to reimbursement than if the service had been provided in person or by other means.]~~

2. The provisions of this section do not:

(a) Require the Director to include in the State Plan for Medicaid coverage of any service that the Director is not otherwise required by law to include; or

(b) Require the State or any political subdivision thereof to:

(1) Ensure that covered services are available to a recipient of Medicaid through telehealth at a particular originating site; or

(2) Provide coverage for a service that is not included in the State Plan for Medicaid or provided by a provider of health care that does not participate in Medicaid.

3. As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 4.9. NRS 422.2721 is hereby amended to read as follows:

422.2721 1. The Director shall include in the State Plan for Medicaid:

(a) A requirement that the State, and, to the extent applicable, any of its political subdivisions, shall pay for the nonfederal share of expenses for services provided to a person through telehealth to the same extent ~~and, except for services provided through audio only interaction, in the same amount,~~ as though provided in person or by other means; and

(b) A provision prohibiting the State from:

(1) Requiring a person to obtain prior authorization that would not be required if a service were provided in person or through other means, establish a relationship with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to paying for services as described in paragraph (a). The State Plan for Medicaid may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or through other means.

(2) Requiring a provider of health care to demonstrate that it is necessary to provide services to a person through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to paying for services as described in paragraph (a).

(3) Refusing to pay for services as described in paragraph (a) because of :

(I) The distant site from which a provider of health care provides services through telehealth or the originating site at which a person who is covered by the State Plan for Medicaid receives services through telehealth ;
or

(II) The technology used to provide the services.

(4) Requiring services to be provided through telehealth as a condition to paying for such services.

(5) Categorizing a service provided through telehealth differently for purposes relating to coverage ~~for reimbursement~~ than if the service had been provided in person or through other means.

2. The provisions of this section do not:

(a) Require the Director to include in the State Plan for Medicaid coverage of any service that the Director is not otherwise required by law to include; or

(b) Require the State or any political subdivision thereof to:

(1) Ensure that covered services are available to a recipient of Medicaid through telehealth at a particular originating site; or

(2) Provide coverage for a service that is not included in the State Plan for Medicaid or provided by a provider of health care that does not participate in Medicaid.

3. As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 5. NRS 433.314 is hereby amended to read as follows:

433.314 1. The Commission shall:

(a) Establish policies to ensure adequate development and administration of services for persons with mental illness, persons with intellectual disabilities, persons with developmental disabilities, persons with substance use disorders or persons with co-occurring disorders, including services to prevent mental illness, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders, and services provided without admission to a facility or institution;

(b) Set policies for the care and treatment of persons with mental illness, persons with intellectual disabilities, persons with developmental disabilities, persons with substance use disorders or persons with co-occurring disorders provided by all state agencies;

(c) *If a data dashboard is established pursuant to section 1 of this act, use the data dashboard to review access by different groups and populations in this State to behavioral health services provided through telehealth, as defined in NRS 629.515, and evaluate policies to make such access more equitable;*

(d) Review the programs and finances of the Division;

~~[(d)]~~ (e) Report at the beginning of each year to the Governor and at the beginning of each odd-numbered year to the Legislature:

(1) Information concerning the quality of the care and treatment provided for persons with mental illness, persons with intellectual disabilities, persons with developmental disabilities, persons with substance use disorders or persons with co-occurring disorders in this State and on any progress made toward improving the quality of that care and treatment; and

(2) In coordination with the Department, any recommendations from the regional behavioral health policy boards created pursuant to NRS 433.429. The report must include, without limitation:

(I) The epidemiologic profiles of substance use disorders, addictive disorders related to gambling and suicide;

(II) Relevant behavioral health prevalence data for each behavioral health region created by NRS 433.428; and

(III) The health priorities set for each behavioral health region; and

~~[(e)]~~ (f) Review and make recommendations concerning regulations submitted to the Commission for review pursuant to NRS 641.100, 641A.160, 641B.160 and 641C.200.

2. The Commission may employ an administrative assistant and a data analyst to assist the regional behavioral health policy boards created by NRS 433.429 in carrying out their duties.

Sec. 6. NRS 433.4295 is hereby amended to read as follows:

433.4295 1. Each policy board shall:

(a) Advise the Department, Division and Commission regarding:

(1) The behavioral health needs of adults and children in the behavioral health region;

(2) Any progress, problems or proposed plans relating to the provision of behavioral health services and methods to improve the provision of behavioral health services in the behavioral health region;

(3) Identified gaps in the behavioral health services which are available in the behavioral health region and any recommendations or service enhancements to address those gaps;

(4) Any federal, state or local law or regulation that relates to behavioral health which it determines is redundant, conflicts with other laws or is obsolete and any recommendation to address any such redundant, conflicting or obsolete law or regulation; and

(5) Priorities for allocating money to support and develop behavioral health services in the behavioral health region.

(b) Promote improvements in the delivery of behavioral health services in the behavioral health region.

(c) Coordinate and exchange information with the other policy boards to provide unified and coordinated recommendations to the Department, Division and Commission regarding behavioral health services in the behavioral health region.

(d) Review the collection and reporting standards of behavioral health data to determine standards for such data collection and reporting processes.

(e) To the extent feasible, establish an organized, sustainable and accurate electronic repository of data and information concerning behavioral health and behavioral health services in the behavioral health region that is accessible to members of the public on an Internet website maintained by the policy board. A policy board may collaborate with an existing community-based organization to establish the repository.

(f) To the extent feasible, track and compile data concerning persons admitted to mental health facilities and hospitals pursuant to NRS 433A.145 to 433A.197, inclusive, and to mental health facilities and programs of community-based or outpatient services pursuant to NRS 433A.200 to 433A.330, inclusive, in the behavioral health region, including, without limitation:

(1) The outcomes of treatment provided to such persons; and

(2) Measures taken upon and after the release of such persons to address behavioral health issues and prevent future admissions.

(g) *If a data dashboard is established pursuant to section 1 of this act, use the data dashboard to review access by different groups and populations in this State to behavioral health services provided through telehealth, as defined in NRS 629.515, and evaluate policies to make such access more equitable.*

(h) Identify and coordinate with other entities in the behavioral health region and this State that address issues relating to behavioral health to increase awareness of such issues and avoid duplication of efforts.

~~(h)~~ (i) In coordination with existing entities in this State that address issues relating to behavioral health services, submit an annual report to the Commission which includes, without limitation:

- (1) The specific behavioral health needs of the behavioral health region;
- (2) A description of the methods used by the policy board to collect and analyze data concerning the behavioral health needs and problems of the behavioral health region and gaps in behavioral health services which are available in the behavioral health region, including, without limitation, a list of all sources of such data used by the policy board;
- (3) A description of the manner in which the policy board has carried out the requirements of paragraphs (c) and ~~[(g)]~~ (h) of subsection 1 and the results of those activities; and
- (4) The data compiled pursuant to paragraph (f) and any conclusions that the policy board has derived from such data.

2. A report described in paragraph ~~[(h)]~~ (i) of subsection 1 may be submitted more often than annually if the policy board determines that a specific behavioral health issue requires an additional report to the Commission.

Sec. 7. NRS 616C.730 is hereby amended to read as follows:

616C.730 1. Every policy of insurance issued pursuant to chapters 616A to 617, inclusive, of NRS must include coverage for services provided to an employee through telehealth to the same extent as though provided in person or by other means.

2. An insurer shall not:

(a) Require an employee to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an employee through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of the distant site from which a provider of health care provides services through telehealth or the originating site at which an employee receives services through telehealth; or

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services.

3. A policy of insurance issued pursuant to chapters 616A to 617, inclusive, of NRS must not require an employee to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. Such a policy of insurance may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require an insurer to:

(a) Ensure that covered services are available to an employee through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the insurer is not otherwise required by law to do so.

5. A policy of insurance subject to the provisions of chapters 616A to 617, inclusive, of NRS that is delivered, issued for delivery or renewed on or after July 1, 2015, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.

6. As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) "Telehealth" ~~has the meaning ascribed to it in NRS 629.515.~~ *means the delivery of services from a provider of health care to a patient at a different location through ~~the use of~~ a synchronous interaction using information and audio-visual communication technology, not including ~~standard telephone,~~ audio-only technology, facsimile or electronic mail. ~~The term includes, without limitation, the delivery of services from a provider of health care to a patient at a different location through the use of synchronous interaction or an asynchronous system of storing and forwarding information.~~*

Sec. 8. NRS 629.515 is hereby amended to read as follows:

629.515 1. Except as otherwise provided in this subsection, before a provider of health care who is located at a distant site may use telehealth to direct or manage the care or render a diagnosis of a patient who is located at an originating site in this State or write a treatment order or prescription for such a patient, the provider must hold a valid license or certificate to practice his or her profession in this State, including, without limitation, a special purpose license issued pursuant to NRS 630.261. The requirements of this subsection do not apply to a provider of health care who is providing services within the scope of his or her employment by or pursuant to a contract entered into with an urban Indian organization, as defined in 25 U.S.C. § 1603.

2. The provisions of this section must not be interpreted or construed to:

(a) Modify, expand or alter the scope of practice of a provider of health care; or

(b) Authorize a provider of health care to provide services in a setting that is not authorized by law or in a manner that violates the standard of care required of the provider of health care.

3. A provider of health care who is located at a distant site and uses telehealth to direct or manage the care or render a diagnosis of a patient who is located at an originating site in this State or write a treatment order or prescription for such a patient:

(a) Is subject to the laws and jurisdiction of the State of Nevada, including, without limitation, any regulations adopted by an occupational licensing board

in this State, regardless of the location from which the provider of health care provides services through telehealth.

(b) Shall comply with all federal and state laws that would apply if the provider were located at a distant site in this State.

4. *A provider of health care may establish a relationship with a patient using telehealth when it is clinically appropriate to establish a relationship with a patient in that manner. The State Board of Health may adopt regulations governing the process by which a provider of health care may establish a relationship with a patient using telehealth.*

5. As used in this section:

(a) "Distant site" means the location of the site where a telehealth provider of health care is providing telehealth services to a patient located at an originating site.

(b) "Originating site" means the location of the site where a patient is receiving telehealth services from a provider of health care located at a distant site.

(c) "Telehealth" means the delivery of services from a provider of health care to a patient at a different location through the use of information and audio-visual communication technology, not including ~~standard telephone,~~ facsimile or electronic mail. *The term includes, without limitation, the delivery of services from a provider of health care to a patient at a different location through the use of:*

(1) Synchronous interaction or an asynchronous system of storing and forwarding information; and

(2) Audio-only interaction, whether synchronous or asynchronous.

Sec. 9. NRS 689A.0463 is hereby amended to read as follows:

689A.0463 1. A policy of health insurance must include coverage for services provided to an insured through telehealth to the same extent *and, except for services provided through audio-only interaction, in the same amount* as though provided in person or by other means.

2. An insurer shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of ~~the~~ :

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services ~~to~~; or

(e) *Categorize a service provided through telehealth differently for purposes relating to coverage or reimbursement than if the service had been provided in person or through other means.*

3. A policy of health insurance must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. A policy of health insurance may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require an insurer to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the insurer is not otherwise required by law to do so.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~July 1, 2015,~~ *October 1, 2021*, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.

6. As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 9.3. NRS 689A.0463 is hereby amended to read as follows:

689A.0463 1. A policy of health insurance must include coverage for services provided to an insured through telehealth to the same extent and, *for mental health services* except ~~for~~ *when such services are* provided through audio-only interaction, in the same amount as though provided in person or by other means.

2. An insurer shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of :

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services; ~~for~~

(e) Categorize a service provided through telehealth differently for purposes relating to coverage ~~for reimbursement~~ than if the service had been provided in person or through other means ~~for~~; or

(f) Categorize a mental health service provided through telehealth, other than through audio-only interaction, differently for purposes relating to reimbursement than if the service had been provided in person or by other means.

3. A policy of health insurance must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. A policy of health insurance may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require an insurer to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the insurer is not otherwise required by law to do so.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.

6. As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 9.6. NRS 689A.0463 is hereby amended to read as follows:

689A.0463 1. A policy of health insurance must include coverage for services provided to an insured through telehealth to the same extent ~~and, for mental health services except where such services are provided through audio-only interaction, in the same amount~~ as though provided in person or by other means.

2. An insurer shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining

services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of:

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services; or

(e) Categorize a service provided through telehealth differently for purposes relating to coverage than if the service had been provided in person or through other means. ~~for~~

~~(f) Categorize a mental health service provided through telehealth, other than through audio only interaction, differently for purposes relating to reimbursement than if the service had been provided in person or by other means.~~

3. A policy of health insurance must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. A policy of health insurance may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require an insurer to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the insurer is not otherwise required by law to do so.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.

6. As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 9.9. NRS 689A.0463 is hereby amended to read as follows:

689A.0463 1. A policy of health insurance must include coverage for services provided to an insured through telehealth to the same extent ~~and, except for services provided through audio-only interaction, in the same amount~~ as though provided in person or by other means.

2. An insurer shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of :

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services ; or

(e) Categorize a service provided through telehealth differently for purposes relating to coverage ~~(for reimbursement)~~ than if the service had been provided in person or through other means.

3. A policy of health insurance must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. A policy of health insurance may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require an insurer to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the insurer is not otherwise required by law to do so.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.

6. As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 10. NRS 689B.0369 is hereby amended to read as follows:

689B.0369 1. A policy of group or blanket health insurance must include coverage for services provided to an insured through telehealth to the same extent *and, except for services provided through audio-only interaction, in the same amount* as though provided in person or by other means.

2. An insurer shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of ~~the~~ :

(1) *The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or*

(2) *The technology used to provide the services;*

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services ~~to~~ ; or

(e) *Categorize a service provided through telehealth differently for purposes relating to coverage or reimbursement than if the service had been provided in person or through other means.*

3. A policy of group or blanket health insurance must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for that service when provided in person. A policy of group or blanket health insurance may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require an insurer to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the insurer is not otherwise required by law to do so.

5. A policy of group or blanket health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~July 1, 2015,~~ *October 1, 2021*, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.

6. As used in this section:

- (a) "Distant site" has the meaning ascribed to it in NRS 629.515.
- (b) "Originating site" has the meaning ascribed to it in NRS 629.515.
- (c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.
- (d) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 10.3. NRS 689B.0369 is hereby amended to read as follows:

689B.0369 1. A policy of group or blanket health insurance must include coverage for services provided to an insured through telehealth to the same extent and, for mental health services except ~~for~~ when such services are provided through audio-only interaction, in the same amount as though provided in person or by other means.

2. An insurer shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of :

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services; ~~for~~

(e) Categorize a service provided through telehealth differently for purposes relating to coverage ~~for reimbursement~~ than if the service had been provided in person or through other means ~~for~~; or

(f) Categorize a mental health service provided through telehealth, other than through audio-only interaction, differently for purposes relating to reimbursement than if the service had been provided in person or by other means.

3. A policy of group or blanket health insurance must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for that service when provided in person. A policy of group or blanket health insurance may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require an insurer to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the insurer is not otherwise required by law to do so.

5. A policy of group or blanket health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.

6. As used in this section:

- (a) "Distant site" has the meaning ascribed to it in NRS 629.515.
- (b) "Originating site" has the meaning ascribed to it in NRS 629.515.
- (c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.
- (d) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 10.6. NRS 689B.0369 is hereby amended to read as follows:

689B.0369 1. A policy of group or blanket health insurance must include coverage for services provided to an insured through telehealth to the same extent ~~[and, for mental health services except where such services are provided through audio only interaction, in the same amount]~~ as though provided in person or by other means.

2. An insurer shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of:

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services; or

(e) Categorize a service provided through telehealth differently for purposes relating to coverage than if the service had been provided in person or through other means. ~~[; or~~

~~—(f) Categorize a mental health service provided through telehealth, other than through audio only interaction, differently for purposes relating to reimbursement than if the service had been provided in person or by other means.]~~

3. A policy of group or blanket health insurance must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for that service when provided in person. A policy of group or blanket health insurance may require prior authorization for

a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require an insurer to:

- (a) Ensure that covered services are available to an insured through telehealth at a particular originating site;
- (b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or
- (c) Enter into a contract with any provider of health care or cover any service if the insurer is not otherwise required by law to do so.

5. A policy of group or blanket health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.

6. As used in this section:

- (a) "Distant site" has the meaning ascribed to it in NRS 629.515.
- (b) "Originating site" has the meaning ascribed to it in NRS 629.515.
- (c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.
- (d) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 10.9. NRS 689B.0369 is hereby amended to read as follows:

689B.0369 1. A policy of group or blanket health insurance must include coverage for services provided to an insured through telehealth to the same extent ~~[and, except for services provided through audio-only interaction, in the same amount]~~ as though provided in person or by other means.

2. An insurer shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of :

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services ; or

(e) Categorize a service provided through telehealth differently for purposes relating to coverage ~~[or reimbursement]~~ than if the service had been provided in person or through other means.

3. A policy of group or blanket health insurance must not require an insured to obtain prior authorization for any service provided through

telehealth that is not required for that service when provided in person. A policy of group or blanket health insurance may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require an insurer to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the insurer is not otherwise required by law to do so.

5. A policy of group or blanket health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.

6. As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 11. NRS 689C.195 is hereby amended to read as follows:

689C.195 1. A health benefit plan must include coverage for services provided to an insured through telehealth to the same extent *and, except for services provided through audio-only interaction, in the same amount as though provided in person or by other means.*

2. A carrier shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of ~~the~~ :

(1) *The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or*

(2) *The technology used to provide the services;*

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services ~~to~~ ; *or*

(e) *Categorize a service provided through telehealth differently for purposes relating to coverage or reimbursement than if the service had been provided in person or through other means.*

3. A health benefit plan must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. A health benefit plan may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require a carrier to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the carrier is not otherwise required by law to do so.

5. A plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~July 1, 2015,~~ *October 1, 2021*, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

6. As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 11.3. NRS 689C.195 is hereby amended to read as follows:

689C.195 1. A health benefit plan must include coverage for services provided to an insured through telehealth to the same extent and, *for mental health services* except ~~for~~ *when such services are* provided through audio-only interaction, in the same amount as though provided in person or by other means.

2. A carrier shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of :

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services; ~~for~~

(e) Categorize a service provided through telehealth differently for purposes relating to coverage ~~for reimbursement~~ than if the service had been provided in person or through other means. ~~or~~; or

(f) Categorize a mental health service provided through telehealth, other than through audio-only interaction, differently for purposes relating to reimbursement than if the service had been provided in person or by other means.

3. A health benefit plan must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. A health benefit plan may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require a carrier to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the carrier is not otherwise required by law to do so.

5. A plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

6. As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 11.6. NRS 689C.195 is hereby amended to read as follows:

689C.195 1. A health benefit plan must include coverage for services provided to an insured through telehealth to the same extent ~~(and, for mental health services except where such services are provided through audio-only interaction, in the same amount)~~ as though provided in person or by other means.

2. A carrier shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type

of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of:

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services; or

(e) Categorize a service provided through telehealth differently for purposes relating to coverage than if the service had been provided in person or through other means. ~~For~~

~~(f) Categorize a mental health service provided through telehealth, other than through audio-only interaction, differently for purposes relating to reimbursement than if the service had been provided in person or by other means.]~~

3. A health benefit plan must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. A health benefit plan may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require a carrier to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the carrier is not otherwise required by law to do so.

5. A plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

6. As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 11.9. NRS 689C.195 is hereby amended to read as follows:

689C.195 1. A health benefit plan must include coverage for services provided to an insured through telehealth to the same extent ~~[and, except for services provided through audio-only interaction, in the same amount]~~ as though provided in person or by other means.

2. A carrier shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of :

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services ; or

(e) Categorize a service provided through telehealth differently for purposes relating to coverage ~~for reimbursement~~ than if the service had been provided in person or through other means.

3. A health benefit plan must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. A health benefit plan may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require a carrier to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the carrier is not otherwise required by law to do so.

5. A plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

6. As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 12. NRS 695A.265 is hereby amended to read as follows:

695A.265 1. A benefit contract must include coverage for services provided to an insured through telehealth to the same extent *and, except for services provided through audio-only interaction, in the same amount as* though provided in person or by other means.

2. A society shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of ~~the~~ :

(1) *The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or*

(2) *The technology used to provide the services;*

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services ~~[-]~~ ; or

(e) *Categorize a service provided through telehealth differently for purposes relating to coverage or reimbursement than if the service had been provided in person or through other means.*

3. A benefit contract must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. A benefit contract may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require a society to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the society is not otherwise required by law to do so.

5. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~July 1, 2015,~~ *October 1, 2021*, has the legal effect of including the coverage required by this section, and any provision of the contract or the renewal which is in conflict with this section is void.

6. As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 12.3. NRS 695A.265 is hereby amended to read as follows:

695A.265 1. A benefit contract must include coverage for services provided to an insured through telehealth to the same extent and, for mental health services except ~~for~~ when such services are provided through audio-only interaction, in the same amount as though provided in person or by other means.

2. A society shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of :

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services; ~~or~~

(e) Categorize a service provided through telehealth differently for purposes relating to coverage ~~(or reimbursement)~~ than if the service had been provided in person or through other means ~~(-); or~~

(f) Categorize a mental health service provided through telehealth, other than through audio-only interaction, differently for purposes relating to reimbursement than if the service had been provided in person or by other means.

3. A benefit contract must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. A benefit contract may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require a society to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the society is not otherwise required by law to do so.

5. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any

provision of the contract or the renewal which is in conflict with this section is void.

6. As used in this section:

- (a) "Distant site" has the meaning ascribed to it in NRS 629.515.
- (b) "Originating site" has the meaning ascribed to it in NRS 629.515.
- (c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.
- (d) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 12.6. NRS 695A.265 is hereby amended to read as follows:

695A.265 1. A benefit contract must include coverage for services provided to an insured through telehealth to the same extent ~~(and, for mental health services except where such services are provided through audio only interaction, in the same amount)~~ as though provided in person or by other means.

2. A society shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of:

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services; or

(e) Categorize a service provided through telehealth differently for purposes relating to coverage than if the service had been provided in person or through other means. ~~For~~

~~(f) Categorize a mental health service provided through telehealth, other than through audio only interaction, differently for purposes relating to reimbursement than if the service had been provided in person or by other means.~~

3. A benefit contract must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. A benefit contract may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require a society to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the society is not otherwise required by law to do so.

5. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the contract or the renewal which is in conflict with this section is void.

6. As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 12.9. NRS 695A.265 is hereby amended to read as follows:

695A.265 1. A benefit contract must include coverage for services provided to an insured through telehealth to the same extent ~~and, except for services provided through audio only interaction, in the same amount~~ as though provided in person or by other means.

2. A society shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of :

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services ; or

(e) Categorize a service provided through telehealth differently for purposes relating to coverage ~~(or reimbursement)~~ than if the service had been provided in person or through other means.

3. A benefit contract must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. A benefit contract may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require a society to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the society is not otherwise required by law to do so.

5. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the contract or the renewal which is in conflict with this section is void.

6. As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 13. NRS 695B.1904 is hereby amended to read as follows:

695B.1904 1. A contract for hospital, medical or dental services subject to the provisions of this chapter must include services provided to an insured through telehealth to the same extent *and, except for services provided through audio-only interaction, in the same amount* as though provided in person or by other means.

2. A medical services corporation that issues contracts for hospital, medical or dental services shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of ~~the~~ :

(1) *The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or*

(2) *The technology used to provide the services;*

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services ~~[-]~~ ; or

(e) *Categorize a service provided through telehealth differently for purposes relating to coverage or reimbursement than if the service had been provided in person or through other means.*

3. A contract for hospital, medical or dental services must not require an insured to obtain prior authorization for any service provided through

telehealth that is not required for the service when provided in person. A contract for hospital, medical or dental services may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require a medical services corporation that issues contracts for hospital, medical or dental services to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the medical services corporation is not otherwise required by law to do so.

5. A contract for hospital, medical or dental services subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~July 1, 2015,~~ *October 1, 2021*, has the legal effect of including the coverage required by this section, and any provision of the contract or the renewal which is in conflict with this section is void.

6. As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 13.3. NRS 695B.1904 is hereby amended to read as follows:

695B.1904 1. A contract for hospital, medical or dental services subject to the provisions of this chapter must include services provided to an insured through telehealth to the same extent and, *for mental health services* except ~~for~~ *when such services are* provided through audio-only interaction, in the same amount as though provided in person or by other means.

2. A medical services corporation that issues contracts for hospital, medical or dental services shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of :

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services; ~~or~~

(e) Categorize a service provided through telehealth differently for purposes relating to coverage ~~for reimbursement~~ than if the service had been provided in person or through other means ~~or~~; ~~or~~

(f) Categorize a mental health service provided through telehealth, other than through audio-only interaction, differently for purposes relating to reimbursement than if the service had been provided in person or by other means.

3. A contract for hospital, medical or dental services must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. A contract for hospital, medical or dental services may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require a medical services corporation that issues contracts for hospital, medical or dental services to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the medical services corporation is not otherwise required by law to do so.

5. A contract for hospital, medical or dental services subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the contract or the renewal which is in conflict with this section is void.

6. As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 13.6. NRS 695B.1904 is hereby amended to read as follows:

695B.1904 1. A contract for hospital, medical or dental services subject to the provisions of this chapter must include services provided to an insured through telehealth to the same extent ~~and, for mental health services except where such services are provided through audio-only interaction, in the same amount,~~ as though provided in person or by other means.

2. A medical services corporation that issues contracts for hospital, medical or dental services shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining

services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of:

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services; or

(e) Categorize a service provided through telehealth differently for purposes relating to coverage than if the service had been provided in person or through other means. ~~for~~

~~(f) Categorize a mental health service provided through telehealth, other than through audio only interaction, differently for purposes relating to reimbursement than if the service had been provided in person or by other means.]~~

3. A contract for hospital, medical or dental services must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. A contract for hospital, medical or dental services may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require a medical services corporation that issues contracts for hospital, medical or dental services to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the medical services corporation is not otherwise required by law to do so.

5. A contract for hospital, medical or dental services subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the contract or the renewal which is in conflict with this section is void.

6. As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 13.9. NRS 695B.1904 is hereby amended to read as follows:

695B.1904 1. A contract for hospital, medical or dental services subject to the provisions of this chapter must include services provided to an insured through telehealth to the same extent ~~and, except for services provided through audio only interaction, in the same amount~~ as though provided in person or by other means.

2. A medical services corporation that issues contracts for hospital, medical or dental services shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of :

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services ; or

(e) Categorize a service provided through telehealth differently for purposes relating to coverage ~~for reimbursement~~ than if the service had been provided in person or through other means.

3. A contract for hospital, medical or dental services must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. A contract for hospital, medical or dental services may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require a medical services corporation that issues contracts for hospital, medical or dental services to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the medical services corporation is not otherwise required by law to do so.

5. A contract for hospital, medical or dental services subject to the provisions of this chapter that is delivered, issued for delivery or renewed on

or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the contract or the renewal which is in conflict with this section is void.

6. As used in this section:

- (a) "Distant site" has the meaning ascribed to it in NRS 629.515.
- (b) "Originating site" has the meaning ascribed to it in NRS 629.515.
- (c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.
- (d) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 14. NRS 695C.1708 is hereby amended to read as follows:

695C.1708 1. A health care plan of a health maintenance organization must include coverage for services provided to an enrollee through telehealth to the same extent *and, except for services provided through audio-only interaction, in the same amount* as though provided in person or by other means.

2. A health maintenance organization shall not:

(a) Require an enrollee to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an enrollee through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of ~~the~~ :

(1) *The distant site from which a provider of health care provides services through telehealth or the originating site at which an enrollee receives services through telehealth; or*

(2) *The technology used to provide the services;*

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services ~~to~~ ; *or*

(e) *Categorize a service provided through telehealth differently for purposes relating to coverage or reimbursement than if the service had been provided in person or through other means.*

3. A health care plan of a health maintenance organization must not require an enrollee to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. Such a health care plan may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require a health maintenance organization to:

(a) Ensure that covered services are available to an enrollee through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the health maintenance organization is not otherwise required by law to do so.

5. Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~July 1, 2015,~~ *October 1, 2021*, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

6. As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 14.3. NRS 695C.1708 is hereby amended to read as follows:

695C.1708 1. A health care plan of a health maintenance organization must include coverage for services provided to an enrollee through telehealth to the same extent and, *for mental health services* except ~~for~~ *when such services are* provided through audio-only interaction, in the same amount as though provided in person or by other means.

2. A health maintenance organization shall not:

(a) Require an enrollee to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an enrollee through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of :

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an enrollee receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services; ~~for~~

(e) Categorize a service provided through telehealth differently for purposes relating to coverage ~~for reimbursement~~ than if the service had been provided in person or through other means ~~for~~; *or*

(f) Categorize a mental health service provided through telehealth, other than through audio-only interaction, differently for purposes relating to reimbursement than if the service had been provided in person or by other means.

3. A health care plan of a health maintenance organization must not require an enrollee to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. Such a health care plan may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require a health maintenance organization to:

(a) Ensure that covered services are available to an enrollee through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the health maintenance organization is not otherwise required by law to do so.

5. Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

6. As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 14.6. NRS 695C.1708 is hereby amended to read as follows:

695C.1708 1. A health care plan of a health maintenance organization must include coverage for services provided to an enrollee through telehealth ~~[to the same extent and, for mental health services except where such services are provided through audio only interaction, in the same amount]~~ as though provided in person or by other means.

2. A health maintenance organization shall not:

(a) Require an enrollee to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an enrollee through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of:

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an enrollee receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services; or

(e) Categorize a service provided through telehealth differently for purposes relating to coverage than if the service had been provided in person or through other means. ~~For~~

~~(f) Categorize a mental health service provided through telehealth, other than through audio only interaction, differently for purposes relating to reimbursement than if the service had been provided in person or by other means.]~~

3. A health care plan of a health maintenance organization must not require an enrollee to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. Such a health care plan may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require a health maintenance organization to:

(a) Ensure that covered services are available to an enrollee through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the health maintenance organization is not otherwise required by law to do so.

5. Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

6. As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 14.9. NRS 695C.1708 is hereby amended to read as follows:

695C.1708 1. A health care plan of a health maintenance organization must include coverage for services provided to an enrollee through telehealth to the same extent ~~[and, except for services provided through audio only interaction, in the same amount]~~ as though provided in person or by other means.

2. A health maintenance organization shall not:

(a) Require an enrollee to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an enrollee through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of :

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an enrollee receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services ; or

(e) Categorize a service provided through telehealth differently for purposes relating to coverage ~~(or reimbursement)~~ than if the service had been provided in person or through other means.

3. A health care plan of a health maintenance organization must not require an enrollee to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. Such a health care plan may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require a health maintenance organization to:

(a) Ensure that covered services are available to an enrollee through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the health maintenance organization is not otherwise required by law to do so.

5. Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

6. As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 15. NRS 695D.216 is hereby amended to read as follows:

695D.216 1. A plan for dental care must include coverage for services provided to a member through telehealth to the same extent *and, except for services provided through audio-only interaction, in the same amount as* though provided in person or by other means.

2. An organization for dental care shall not:

(a) Require a member to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to a member through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of ~~the~~ :

(1) *The distant site from which a provider of health care provides services through telehealth or the originating site at which a member receives services through telehealth; or*

(2) *The technology used to provide the services;*

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services ~~[-]~~ ; or

(e) *Categorize a service provided through telehealth differently for purposes relating to coverage or reimbursement than if the service had been provided in person or through other means.*

3. A plan for dental care must not require a member to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. A plan for dental care may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require an organization for dental care to:

(a) Ensure that covered services are available to a member through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the organization for dental care is not otherwise required by law to do so.

5. A plan for dental care subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~July 1, 2015,~~ *October 1, 2021*, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

6. As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 15.5. NRS 695D.216 is hereby amended to read as follows:

695D.216 1. A plan for dental care must include coverage for services provided to a member through telehealth to the same extent ~~[and, except for services provided through audio only interaction, in the same amount]~~ as though provided in person or by other means.

2. An organization for dental care shall not:

(a) Require a member to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to a member through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of :

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which a member receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services ; or

(e) Categorize a service provided through telehealth differently for purposes relating to coverage ~~(for reimbursement)~~ than if the service had been provided in person or through other means.

3. A plan for dental care must not require a member to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. A plan for dental care may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require an organization for dental care to:

(a) Ensure that covered services are available to a member through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the organization for dental care is not otherwise required by law to do so.

5. A plan for dental care subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

6. As used in this section:

- (a) "Distant site" has the meaning ascribed to it in NRS 629.515.
- (b) "Originating site" has the meaning ascribed to it in NRS 629.515.
- (c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.
- (d) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 16. NRS 695G.162 is hereby amended to read as follows:

695G.162 1. A health care plan issued by a managed care organization for group coverage must include coverage for services provided to an insured through telehealth to the same extent *and, except for services provided through audio-only interaction, in the same amount* as though provided in person or by other means.

2. A managed care organization shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of ~~the~~ :

(1) *The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or*

(2) *The technology used to provide the services;*

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services ~~to~~ ; or

(e) *Categorize a service provided through telehealth differently for purposes relating to coverage or reimbursement than if the service had been provided in person or through other means.*

3. A health care plan of a managed care organization must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. Such a health care plan may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require a managed care organization to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the managed care organization is not otherwise required by law to do so.

5. Evidence of coverage that is delivered, issued for delivery or renewed on or after ~~July 1, 2015,~~ *October 1, 2021*, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

6. As used in this section:

- (a) "Distant site" has the meaning ascribed to it in NRS 629.515.
- (b) "Originating site" has the meaning ascribed to it in NRS 629.515.
- (c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.
- (d) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 16.1. NRS 695G.162 is hereby amended to read as follows:

695G.162 1. A health care plan issued by a managed care organization for group coverage must include coverage for services provided to an insured through telehealth to the same extent and, *for mental health services* except ~~for~~ *when such services are* provided through audio-only interaction, in the same amount as though provided in person or by other means.

2. A managed care organization shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of :

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services; ~~or~~

(e) Categorize a service provided through telehealth differently for purposes relating to coverage ~~for reimbursement~~ than if the service had been provided in person or through other means ~~or~~; *or*

(f) Categorize a mental health service provided through telehealth, other than through audio-only interaction, differently for purposes relating to reimbursement than if the service had been provided in person or by other means.

3. A health care plan of a managed care organization must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. Such a health care plan may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require a managed care organization to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the managed care organization is not otherwise required by law to do so.

5. Evidence of coverage that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

6. As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 16.2. NRS 695G.162 is hereby amended to read as follows:

695G.162 1. A health care plan issued by a managed care organization for group coverage must include coverage for services provided to an insured through telehealth to the same extent ~~and, for mental health services except where such services are provided through audio-only interaction, in the same amount,~~ as though provided in person or by other means.

2. A managed care organization shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of:

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services; or

(e) Categorize a service provided through telehealth differently for purposes relating to coverage than if the service had been provided in person or through other means. ~~for~~

~~(f) Categorize a mental health service provided through telehealth, other than through audio-only interaction, differently for purposes relating to~~

~~reimbursement than if the service had been provided in person or by other means.~~

3. A health care plan of a managed care organization must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. Such a health care plan may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require a managed care organization to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the managed care organization is not otherwise required by law to do so.

5. Evidence of coverage that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

6. As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 16.3. NRS 695G.162 is hereby amended to read as follows:

695G.162 1. A health care plan issued by a managed care organization for group coverage must include coverage for services provided to an insured through telehealth to the same extent ~~[and, except for services provided through audio-only interaction, in the same amount]~~ as though provided in person or by other means.

2. A managed care organization shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of :

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services ; or

(e) Categorize a service provided through telehealth differently for purposes relating to coverage ~~for reimbursement~~ than if the service had been provided in person or through other means.

3. A health care plan of a managed care organization must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. Such a health care plan may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require a managed care organization to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the managed care organization is not otherwise required by law to do so.

5. Evidence of coverage that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

6. As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 16.5. 1. Any regulations adopted by a regulatory body that conflict with the amendatory provisions of this act are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after October 1, 2021.

2. As used in this section, "regulatory body" has the meaning ascribed to it in NRS 622.060.

Sec. 17. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 4, inclusive, 5 to 9, inclusive, 10, 11, 12, 13, 14, 15, 16 and 16.5 of this act ~~becomes~~ become effective:

~~1.~~ (a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

~~2.~~ (b) On October 1, 2021, for all other purposes.

3. Sections 4.3, 9.3, 10.3, 11.3, 12.3, 13.3, 14.3 and 16.1 of this act become effective 1 year after the date on which the Governor terminates the emergency

described in the Declaration of Emergency for COVID-19 issued on March 12, 2020, only if the Governor terminates that emergency before July 1, 2022.

4. Sections 4.6, 9.6, 10.6, 11.6, 12.6, 13.6, 14.6 and 16.2 of this act become effective on July 1, 2023, only if the Governor terminates the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020, before July 1, 2022.

5. Sections 4.9, 9.9, 10.9, 11.9, 12.9, 13.9, 14.9 and 16.3 of this act become effective on June 30, 2023, only if the Governor terminates the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020, on or after July 1, 2022.

6. Section 15.5 of this act becomes effective on June 30, 2023, or 1 year after the date on which the Governor terminates the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020, whichever is earlier.

Senator Ratti moved that the Senate concur in Assembly Amendment No. 608 to Senate Bill No. 5.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 147.

The following Assembly amendment was read:

Amendment No. 837.

SUMMARY—Establishes provisions relating to conditions of release that prohibit the contact or attempted contact of certain persons. (BDR 14-377)

AN ACT relating to criminal procedure; authorizing a victim to request that a court issue an order imposing a condition of release that prohibits the contact or attempted contact of certain persons; requiring the court to consider such a request; requiring the court to notify a person subject to such an order of certain consequences that may be imposed on the person for violating the order; establishing provisions relating to the expiration and renewal of such an order; ~~imposing a condition of release that prohibits the contact or attempted contact of certain persons;~~ requiring a copy of ~~an~~ the order ~~imposing a condition of release that prohibits the contact or attempted contact of certain persons;~~ to be transmitted to the Central Repository for Nevada Records of Criminal History; providing that a person who knowingly violates any such order ~~may be punished for unlawful trespass and dealt with for contempt of court; revising the acts constituting unlawful trespass;~~ is guilty of a misdemeanor; providing a penalty; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a court under certain circumstances, before convicting and releasing a person, to impose reasonable conditions on the person as it deems necessary for certain purposes, including, without limitation, a condition that prohibits the person from contacting or attempting to contact a specific person or causing or attempting to cause another person

to contact that person. (NRS 178.484, 178.4851) Section 1 of this bill: (1) authorizes a victim to request that a court issue an order imposing a condition of release that prohibits such contact or attempted contact; (2) requires the court to consider such a request; (3) requires the court to notify a person subject to such an order of certain consequences that may result if the order is violated by the person; (4) provides that such an order, ~~[imposing a condition of release that prohibits such contact or attempted contact,]~~ or a modification thereof, expires within 120 calendar days after ~~[the]~~ its issuance ~~[of the order, (4)]~~; (5) authorizes the court to renew the order for good cause shown; ~~[(5)]~~ (6) requires a court to transmit to the Central Repository for Nevada Records of Criminal History a copy of an order imposing, modifying, suspending or canceling a condition that prohibits such contact or attempted contact; and ~~[(6)]~~ (7) provides that a person who knowingly violates an order imposing a condition that prohibits such contact or attempted contact ~~[may be punished for unlawful trespass and dealt with as for contempt of court,]~~ is guilty of a misdemeanor. Section 2 of this bill makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes.

~~[Existing law makes it a misdemeanor for a person to go upon the land or into any building of another in certain circumstances, including willfully going or remaining on land or in a building after being warned by the owner or occupant thereof not to trespass. (NRS 207.200) Section 3 of this bill extends the acts which constitute such unlawful conduct to include being on public or private property in violation of an order imposing a condition of release prohibiting contact.]~~

Existing law requires the Repository for Information Concerning Orders for Protection to contain certain records within the Central Repository for Nevada Records of Criminal History of certain temporary and extended orders for protection. (NRS 179A.350) Section 2.5 of this bill requires the Repository for Information Concerning Orders for Protection to contain records relating to the issuance, modification, suspension or cancellation of an order prohibiting the contact or attempted contact of a specific person.

Section 4 of this bill makes an appropriation from the State General Fund to the Central Repository for Nevada Records of Criminal History for the costs of computer programming to carry out the provisions of this bill.

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

Section 1. Chapter 178 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Before a court makes a determination of bail concerning a person, a victim may request that a court issue an order imposing a condition of release prohibiting contact.*

2. *A court shall consider a request described in subsection 1.*

3. *Upon the issuance of an order imposing a condition of release prohibiting contact, the court shall notify the person subject to the order that violating the order may result in:*

- (a) The person being charged with a misdemeanor;
- (b) The modification or addition of any condition of release;
- (c) The revocation of bail and remand of the person to custody; or
- (d) The imposition of any other penalty prescribed by law.

4. An order imposing a condition of release prohibiting contact, and any modification thereof, expires within such time, not to exceed 120 calendar days, as the court fixes.

~~4.4~~ 5. The court may, before the expiration of an order imposing a condition of release prohibiting contact and upon motion or at the discretion of the court, after notice and a hearing, renew the order for good cause shown.

~~5.4~~ 6. After the court issues an order imposing, modifying, suspending or canceling a condition of release prohibiting contact, the court shall transmit, as soon as practicable ~~4.4~~ and in a manner prescribed by the Central Repository for Nevada Records of Criminal History, a copy of the order to the Central Repository ~~. for Nevada Records of Criminal History.~~

~~6.4~~ 7. A person who knowingly violates an order imposing a condition of release prohibiting contact ~~may be~~

~~(a) Punished for unlawful trespass pursuant to NRS 207.200; and~~

~~(b) Dealt with as for contempt of court.~~

~~7.4~~ is guilty of a misdemeanor.

8. Nothing in this section shall be construed to require a court to receive a request pursuant to subsection 1 before issuing an order imposing a condition of release prohibiting contact.

~~8.4~~ 9. As used in this section:

(a) "Cancel" includes, without limitation, any act that would effectively terminate a condition of release prohibiting contact, including, without limitation:

(1) The dismissal of the action or proceeding against the person;

(2) A prosecuting attorney declining to prosecute the person;

~~(3) The conviction of the person; or~~

~~(3.4)~~ (4) The acquittal of the person.

(b) "Condition of release prohibiting contact" means a condition placed on a person who is released ~~before conviction pursuant to NRS 178.484 or 178.485.4~~ pending trial that prohibits the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the person's behalf.

Sec. 2. NRS 178.483 is hereby amended to read as follows:

178.483 As used in NRS 178.483 to 178.548, inclusive, and section 1 of this act, unless the context otherwise requires, "electronic transmission," "electronically transmit" or "electronically transmitted" means any form or process of communication not directly involving the physical transfer of paper or another tangible medium which:

1. Is suitable for the retention, retrieval and reproduction of information by the recipient; and

2. Is retrievable and reproducible in paper form by the recipient through an automated process used in conventional commercial practice.

Sec. 2.5. NRS 179A.350 is hereby amended to read as follows:

179A.350 1. The Repository for Information Concerning Orders for Protection is hereby created within the Central Repository.

2. Except as otherwise provided in subsection 10, the Repository for Information Concerning Orders for Protection must contain a complete and systematic record of all:

(a) Temporary and extended orders for protection against domestic violence issued or registered in the State of Nevada and all Canadian domestic-violence protection orders registered in the State of Nevada, including, without limitation, any information received pursuant to NRS 33.095;

(b) Temporary and extended orders for protection against stalking, aggravated stalking or harassment issued in this State pursuant to NRS 200.599; ~~and~~

(c) Temporary and extended orders for protection against a person alleged to have committed the crime of sexual assault issued in this State pursuant to NRS 200.37835 ~~and~~; and

(d) Orders imposing, modifying, suspending or canceling a condition of release prohibiting contact issued in this State pursuant to section 1 of this act.

3. The records contained in the Repository for Information Concerning Orders for Protection must be kept in accordance with the regulations adopted by the Director of the Department.

4. Information received by the Central Repository pursuant to NRS 33.095, 200.37835 and 200.599, and section 1 of this act must be entered in the Repository for Information Concerning Orders for Protection.

5. The information in the Repository for Information Concerning Orders for Protection must be accessible by computer at all times to each agency of criminal justice.

6. The Repository for Information Concerning Orders for Protection shall retain all records of an expired temporary or extended order for protection and all records of an expired, suspended or cancelled order imposing a condition of release prohibiting contact, unless any such ~~an~~ order is sealed by a court of competent jurisdiction.

7. The existence of a record of an expired temporary or extended order for protection or a record of an expired, suspended or cancelled order imposing a condition of release prohibiting contact in the Repository for Information Concerning Orders for Protection does not prohibit a person from obtaining a firearm or a permit to carry a concealed firearm unless such conduct violates:

(a) A court order; or

(b) Any provision of federal or state law.

8. On or before July 1 of each year, the Director of the Department shall submit to the Director of the Legislative Counsel Bureau a written report concerning all temporary and extended orders for protection issued pursuant to NRS 33.020, 200.378 and 200.591 during the previous calendar year that

were transmitted to the Repository for Information Concerning Orders for Protection. The report must include, without limitation, information for each court that issues temporary or extended orders for protection pursuant to NRS 33.020, 200.378 and 200.591, respectively, concerning:

(a) The total number of temporary and extended orders that were granted by the court during the calendar year to which the report pertains;

(b) The number of temporary and extended orders that were granted to women;

(c) The number of temporary and extended orders that were granted to men;

(d) The number of temporary and extended orders that were vacated or expired;

(e) The number of temporary orders that included a grant of temporary custody of a minor child; and

(f) The number of temporary and extended orders that were served on the adverse party.

9. The information provided pursuant to subsection 8 must include only aggregate information for statistical purposes and must exclude any identifying information relating to a particular person.

10. The Repository for Information Concerning Orders for Protection must not contain any information concerning an event that occurred before October 1, 1998.

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

Sec. 3. ~~NRS 207.200 is hereby amended to read as follows:~~

~~207.200 1. Unless a greater penalty is provided pursuant to NRS 200.603, any person who, under circumstances not amounting to a burglary:~~

~~(a) Goes upon the land or into any building of another with intent to vex or annoy the owner or occupant thereof, or to commit any unlawful act, [or]~~

~~(b) Willfully goes or remains upon any land or in any building after having been warned by the owner or occupant thereof not to trespass [,]; or~~

~~(c) Is found on private or public property in violation of an order imposing a condition of release prohibiting contact issued pursuant to section 1 of this act,~~

~~is guilty of a misdemeanor. The meaning of this subsection is not limited by subsections 2 and 4.~~

~~2. A sufficient warning against trespassing, within the meaning of this section, is given by any of the following methods:~~

~~(a) Painting with fluorescent orange paint:~~

~~(1) Not less than 50 square inches of a structure or natural object or the top 12 inches of a post, whether made of wood, metal or other material, at:~~

~~(I) Intervals of such a distance as is necessary to ensure that at least one such structure, natural object or post would be within the direct line of sight of a person standing next to another such structure, natural object or post, but at intervals of not more than 1,000 feet; and~~

~~— (1) 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. 4. 1. There is hereby appropriated from the State General Fund to the Central Repository for Nevada Records of Criminal History within the Records, Communications and Compliance Division of the Department of Public Safety the sum of \$44,522 for the costs of computer programming to carry out the provisions of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 5. 1. This section and section 4 of this act become effective upon passage and approval.

2. Sections ~~1, 2 and~~ 1, 2 and 3, inclusive, of this act become effective on October 1, 2021.

Senator Brooks moved that the Senate concur in Assembly Amendment No. 837 to Senate Bill No. 147.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 194.

The following Assembly amendment was read:

Amendment No. 828.

SUMMARY—Revises provisions relating to education. (BDR 34-676)

AN ACT relating to education; establishing a State Seal of Civics Program; requiring the Superintendent of Public Instruction to establish criteria for certain designations related to civics; requiring a public high school to report certain test results to the Department of Education; requiring instruction provided in social studies to include civics ; ~~and a service learning project;~~ requiring that various communities be included in the standards of content and performance for ethnic and diversity studies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Superintendent of Public Instruction to establish various state seals to be awarded to pupils who graduate high school with a high level of proficiency in certain subjects. (NRS 388.591, 388.594, 388.596, 388.597) Section 2 of this bill similarly establishes a State Seal of Civics Program. Section 3 of this bill sets forth the criteria for earning a State Seal of Civics.

Section 5 of this bill requires the Superintendent of Public Instruction to adopt regulations that establish criteria for the Superintendent to designate a school, pupil or teacher or other school employee as a School of Civic Excellence, Student Civic Leader or Educator Civic Leader, respectively.

Under existing law, a public high school must administer an examination with questions identical to the questions contained in the civics portion of the naturalization test adopted by the United States Citizenship and Immigration Services of the Department of Homeland Security and report the aggregate results of the examination to the board of trustees of the school district in which the high school is located. (NRS 389.009) Section 8 of this bill requires the board of trustees of each school district to report the results of the examination to the Department of Education.

Existing law designates various core academic subjects, including, without limitation, social studies, which includes only the subjects of history, geography, economics and government. (NRS 389.018) Section 9 of this bill adds civics to the list of subjects included within social studies. ~~[Beginning with the graduating class of 2027, section 9 requires instruction in social studies to require a pupil to complete a service learning project during high school.]~~ Section 10 of this bill makes a conforming change related to the addition of civics to social studies.

Under existing law, the Council to Establish Academic Standards for Public Schools is required to establish standards of content and performance for ethnic and diversity studies for certain pupils. The standards must, without limitation, examine the culture, history and contributions of certain American communities. (NRS 389.525) Section 11 of this bill includes additional communities in the list of communities whose culture, history and contributions must be examined.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. 1. *The Superintendent of Public Instruction shall establish a State Seal of Civics Program to recognize pupils who graduate from a public high school, including, without limitation, a charter school and a university school for profoundly gifted pupils, who have attained a high level of proficiency in civics.*

2. *The Superintendent of Public Instruction shall:*

(a) *Create a State Seal of Civics that may be affixed to the diploma and noted on the transcript of a pupil to recognize that the pupil has met the requirements of section 3 of this act; and*

(b) *Deliver the State Seal of Civics to each school district, charter school and university school for profoundly gifted pupils that participates in the State Seal of Civics Program.*

3. *Any school district, charter school and university school for profoundly gifted pupils may participate in the State Seal of Civics Program by notifying the Superintendent of Public Instruction of its intent to participate in the Program.*

4. *Each board of trustees of a school district and governing body of a charter school or university school for profoundly gifted pupils that participates in the State Seal of Civics Program shall:*

(a) *Identify the pupils who have met the requirements to be awarded the State Seal of Civics; and*

(b) *Affix the State Seal of Civics to the diploma and note the receipt of the State Seal of Civics on the transcript of each pupil who meets those requirements.*

5. *The Superintendent of Public Instruction may adopt regulations as necessary to carry out the provisions of this section and section 3 of this act.*

Sec. 3. 1. *A school district, charter school and university school for profoundly gifted pupils that participates in the State Seal of Civics Program established pursuant to section 2 of this act must award a pupil, upon graduation from high school, a high school diploma with a State Seal of Civics if the pupil:*

(a) *Earns at least a 3.25 grade point average on a 4.0 grading scale or, if a different grading scale is used, a 3.85 weighted grade point average on a grading scale approved by the Superintendent of Public Instruction.*

(b) *Demonstrates proficiency in civics by earning:*

(1) *At least 3 credits in social studies;*

(2) *A score of at least ~~85~~ 90 percent on the examination for civics required pursuant to NRS 389.009; and*

(3) *A satisfactory score in citizenship.*

(c) *Completes a service learning project. ~~[pursuant to NRS 389.018.]~~*

2. *The Department shall develop a rubric and set forth a satisfactory score to determine if a pupil meets the requirements for a satisfactory score in citizenship for the purposes of subparagraph (3) of paragraph (b) of subsection 1.*

3. *The Department shall provide guidance to public schools regarding the requirements for completing a service learning project for the purposes of paragraph (c) of subsection 1.*

Sec. 4. (Deleted by amendment.)

Sec. 5. 1. *The Superintendent of Public Instruction may designate:*

(a) *A school district, charter school or university school for profoundly gifted pupils as a Nevada School of Civic Excellence;*

(b) *A pupil as a Student Civic Leader; or*

(c) *A teacher or other school employee as an Educator Civic Leader.*

2. *The Superintendent of Public Instruction shall adopt regulations that set forth the criteria to earn a designation pursuant to subsection 1.*

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 389.009 is hereby amended to read as follows:

389.009 1. A public high school shall administer an examination containing a number of questions, determined by the public high school, which are identical to the questions contained in the civics portion of the naturalization test adopted by the United States Citizenship and Immigration Services of the Department of Homeland Security, to each pupil enrolled in the public high school.

2. A public high school shall:

(a) Determine the course in which the examination will be administered;

(b) Establish the number of questions which will be included on the examination, which must not be less than 50;

(c) Determine the desired score on the examination and the manner in which the results of the examination administered to a pupil will affect the grade of the pupil in the course in which the examination is administered; and

(d) Not later than August 31 of each year, aggregate the results of the examination for all pupils at the public high school and report the aggregated results to the board of trustees of the school district in which the public high school is located.

3. Except as otherwise provided in subsection 4, no pupil in any public high school may receive a certificate or diploma of graduation without having taken the examination described in subsection 1.

4. A pupil may receive a waiver from the examination administered pursuant to subsection 1 if:

(a) The pupil is a pupil with a disability and the waiver is in accordance with his or her individualized education program;

(b) The pupil is identified as an English learner and the public high school is unable to offer the examination in the language which would be most likely to provide accurate results for the pupil; or

(c) The principal or administrator of the public high school determines that the pupil has completed all other academic requirements to receive a certificate or diploma of graduation and has shown good cause for a waiver. The principal or administrator of a public high school shall not grant a waiver pursuant to this paragraph to more than 10 percent of each graduating class of the public high school.

5. *On or before December 31 of each year, the board of trustees of each school district shall report the aggregated results of the examination received by the board of trustees of the school district pursuant to subsection 2 to the Department.*

6. As used in this section, "public high school" includes, without limitation, any charter school that operates as a high school.

Sec. 9. NRS 389.018 is hereby amended to read as follows:

389.018 1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) English language arts;

(b) Mathematics;

(c) Science; and

(d) Social studies, which includes only the subjects of history, geography, economics, civics and government.

2. Except as otherwise provided in this subsection, a pupil enrolled in a public high school must enroll in a minimum of:

(a) Four units of credit in English language arts;

(b) Four units of credit in mathematics, including, without limitation, Algebra I and geometry, or an equivalent course of study that integrates Algebra I and geometry;

(c) Three units of credit in science, including two laboratory courses; and

(d) Three units of credit in social studies, including, without limitation:

(1) American government;

(2) American history; and

(3) World history or geography.

↪ A pupil is not required to enroll in the courses of study and credits required by this subsection if the pupil, the parent or legal guardian of the pupil and an administrator or a counselor at the school in which the pupil is enrolled mutually agree to a modified course of study for the pupil and that modified

course of study satisfies at least the requirements for a standard high school diploma, an adjusted diploma or an alternative diploma, as applicable.

3. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for grade levels and to the extent practicable in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

- (a) The arts;
- (b) Computer education and technology;
- (c) Health; and
- (d) Physical education.

↪ If the State Board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. Except as otherwise provided for a course of study in health prescribed by subsection 1 of NRS 389.021 and the instruction prescribed by subsection 1 of NRS 389.064, unless a subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.

4. Instruction in health and physical education provided pursuant to subsection 3 must include, without limitation, instruction concerning the importance of annual physical examinations by a provider of health care and the appropriate response to unusual aches and pains.

~~5. Commencing with the graduating class of 2027 and with each graduating class thereafter, instruction in social studies provided pursuant to subsection 2 must require, without limitation, a pupil to complete a service learning project. A pupil may complete a service learning project during any year of high school.~~

Sec. 10. NRS 389.520 is hereby amended to read as follows:

389.520 1. The Council shall:

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection 5, based upon the content of each course, that is expected of pupils for the following courses of study:

- (1) English language arts;
- (2) Mathematics;
- (3) Science;
- (4) Social studies, which includes only the subjects of history, geography, economics, civics and government;
- (5) The arts;
- (6) Computer education and technology, which includes computer science and computational thinking;
- (7) Health;
- (8) Physical education; and
- (9) A foreign or world language.

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 390.115 of the results of pupils on the examinations administered pursuant to NRS 390.105.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:

(a) The ethical use of computers and other electronic devices, including, without limitation:

(1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and

(2) Methods to ensure the prevention of:

(I) Cyber-bullying;

(II) Plagiarism; and

(III) The theft of information or data in an electronic form;

(b) The safe use of computers and other electronic devices, including, without limitation, methods to:

(1) Avoid cyber-bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;

(2) Recognize when an on-line electronic communication is dangerous or potentially dangerous; and

(3) Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;

(c) The secure use of computers and other electronic devices, including, without limitation:

(1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;

(2) The necessity for secure passwords or other unique identifiers;

(3) The effects of a computer contaminant;

(4) Methods to identify unsolicited commercial material; and

(5) The dangers associated with social networking Internet sites; and

(d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.

3. The standards for social studies must include multicultural education, including, without limitation, information relating to contributions made by men and women from various racial and ethnic backgrounds. The Council shall consult with members of the community who represent the racial and ethnic diversity of this State in developing such standards.

4. The standards for health must include mental health and the relationship between mental health and physical health.

5. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English language arts and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.

6. The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:

(a) Adopt the standards for each course of study, as submitted by the Council; or

(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.

7. If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:

(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and

(b) Return the standards or the revised standards, as applicable, to the State Board.

➡ The State Board shall adopt the standards of content and performance or the revised standards, as applicable.

8. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 390.105.

9. As used in this section:

(a) "Computer contaminant" has the meaning ascribed to it in NRS 205.4737.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Electronic communication" has the meaning ascribed to it in NRS 388.124.

Sec. 11. NRS 389.525 is hereby amended to read as follows:

389.525 1. The Council shall establish standards of content and performance for ethnic and diversity studies for pupils enrolled in high school. The Council shall develop the standards in consultation with:

(a) Faculty of ethnic or diversity studies at colleges and universities in this State that have an ethnic or diversity studies program;

(b) Representatives of the school districts in this State, a majority of whom are teachers in kindergarten through grade 12 and who have experience or an educational background in the study and teaching of ethnic or diversity studies; and

(c) Other qualified persons who represent the diverse communities of this State and the United States.

2. The standards established pursuant to subsection 1 must:

(a) Examine the culture, history and contributions of diverse American communities, including, without limitation, African Americans, Hispanic Americans, Native Americans, Asian Americans, European Americans,

Basque Americans , *Pacific Islander Americans, Chicano Americans, Latino Americans, Middle Eastern Americans, women, persons with disabilities, immigrants or refugees, persons who are lesbian, gay, bisexual, transgender or questioning* and any other ethnic or diverse American communities the Council deems appropriate;

(b) Emphasize human relations, sensitivity towards all races and diverse populations and work-related cultural competency skills;

(c) Be written in a manner that allows a school district or charter school to modify the content to reflect and support the demographics of pupils in the community, as long as the prescribed standard is met; and

(d) Comply with any applicable admissions requirements for colleges and universities in this State.

3. The board of trustees of a school district and the governing body of a charter school that operates as a high school may provide instruction in ethnic and diversity studies to pupils enrolled in high school within the school district or in the charter school, as applicable. If provided, the instruction must comply with the standards of content and performance established by the Council pursuant to this section.

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

Sec. 12. (Deleted by amendment.)

Sec. 13. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 12, inclusive, of this act become effective:

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

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

Senator Denis moved that the Senate concur in Assembly Amendment No. 828 to Senate Bill No. 194.

Remarks by Senator Denis.

It changes the civics-test scores from 85 percent to 90 percent and makes some changes to the Model Rubric on service-earning projects. It deletes section 5 of section 9.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 292.

The following Assembly amendment was read:

Amendment No. 857.

SUMMARY—Revises provisions relating to elections. (BDR 24-999)

AN ACT relating to public office; ~~requiring a ballot in the general election to have an option to vote a straight ticket for partisan races;~~ revising the qualification requirements for a minor political party; revising the deadline to challenge the qualification of a minor political party; revising provisions for filling a vacancy in the office of United States Senator, Representative in

Congress or State Legislator; repealing various provisions relating to major political parties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law requires a mechanical voting system to permit a voter to vote for all the candidates of one party or in part for the candidates of one party and in part for the candidates of one or more other parties. (NRS 293B.080) Section 1 of this bill requires a ballot used for the general election to permit a voter to vote for all the candidates of one political party on the ballot in partisan races by marking the name of the political party at the top of the ballot, which must be available for every major political party and minor political party. Section 1 also provides that if a voter selects the straight ticket option on the ballot and also votes for an individual candidate who is a member of a political party that is different from the political party that was selected in the straight ticket option in a partisan race, the vote for the individual candidate must prevail over the straight ticket option if the votes conflict.~~

~~Section 4 of this bill requires a voter education program provided by a county to include information concerning straight ticket voting. Section 5 of this bill makes conforming changes relating to the requirements for straight ticket and split ticket voting on a mechanical voting device.]~~

Existing law establishes certain requirements for a minor political party to qualify as a minor political party in this State, which include filing a petition with the Secretary of State not later than the third Friday in June preceding the general election which is signed by a number of registered voters equal to at least 1 percent of the number of voters who cast votes at the last preceding general election for the offices of Representative in Congress. (NRS 293.1715) Section 2 of this bill revises this requirement to instead provide that to qualify as a minor political party, the minor political party must file a petition by June 1 preceding the general election or, if that date falls on a weekend, the first Monday in June and the number of registered voters required to sign the petition must be equally divided among the petition districts. Section 3 of this bill makes conforming changes to move the deadline to file a challenge on the qualification of a minor political party to place the names of candidates on the ballot from the fourth Friday in June to the second Monday in June. (NRS 293.174)

Existing law requires the Governor to appoint a person to fill a vacancy in the office of United States Senator. (NRS 304.030) Section 6 of this bill requires the Governor to appoint a person who is of the same political party as the former Senator.

Existing law requires the Governor to fill a vacancy in the office of Representative in Congress by calling for a special election. Such a special election may be consolidated with a statewide election or local election under certain circumstances. (NRS 304.230, 304.240) Sections 8 and 9 of this bill require a candidate for a major political party to be nominated at a special primary election before the special general election and require the Governor to specify a date for a special primary election to be held not less than 60 days

before the date of the special general election. Sections 8 and 13.5 of this bill require the cost of a special primary election and special general election to be paid from the Reserve for Statutory Contingency Account unless such elections are consolidated with a statewide election or local election.

Section 8 removes a requirement for a special election to be conducted not more than 90 days after the issuance of a proclamation by the Governor if a vacancy is caused by a catastrophe. Sections 7, 10 and 15 of this bill make conforming changes by: (1) removing definitions relating to a catastrophe; and (2) revising certain references relating to such provisions.

Under existing law, a vacancy in the office of Legislator is filled by appointment by the board of county commissioners of the county in which the legislative district of the former Legislator is located or, if the legislative district of the former Legislator comprises more than one county, the boards of county commissioners of each county within or partly within the legislative district of the former Legislator. (Nev. Art. 4, §12; NRS 218A.260, 218A.262) Existing law requires the board or boards of county commissioners, as applicable, to establish an application process by which persons may file applications with the board or boards to fill the vacancy. (NRS 218A.262) Sections 11 and 12 of this bill: (1) require the Majority or Minority Leader of the House of which the former Legislator was a member who is of the same political party as the former Legislator to submit to the board or boards of county commissioners, as applicable, a list of qualified nominees to fill the vacancy; and (2) require, with certain exceptions, the board or boards of county commissioners to fill the vacancy by appointing a person from the list of qualified nominees. The board or boards of county commissioners may vote to reject all of the qualified nominees on the list and request the Majority or Minority Leader of the House of which the former Legislator was a member who is of the same political party as the former Legislator to submit to the board or boards of county commissioners, as applicable, a new list of qualified nominees to fill the vacancy. In such a circumstance, the board or boards of county commissioners must appoint a qualified nominee to fill the legislative vacancy from the second list of qualified nominees submitted by the applicable Majority or Minority Leader.

If the former Legislator is not of the same political party as the Majority or Minority Leader of the House of which the former Legislator was a member, sections 11 and 12 require the board or boards of county commissioners, as applicable, to establish an application process by which persons may file applications with the board or boards to fill the vacancy. Section 13 of this bill makes a conforming change to require a nominee or applicant to fill a vacancy to file a declaration of eligibility with the board or boards of county commissioners.

Existing law sets forth various requirements for the internal organization and procedures of major political parties, including requirements for the election of delegates to county and state conventions, the manner of organization of

county conventions and provisions governing state and central committees. (NRS 293.130-293.163) Section 15 of this bill removes these provisions.

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

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

~~1. Ballots for the general election must permit the voter to vote a straight ticket for all the candidates of one political party in partisan races on the ballot by marking the name of the political party at the top of the ballot.~~

~~2. If a voter marks the name of a political party at the top of the ballot and also marks the name of a candidate who is a member of a political party that is different from the political party that was selected in the straight ticket option on the ballot in a partisan race, the vote for the candidate must prevail if the votes conflict.~~

~~3. For the purposes of subsection 1, the ballot must include a straight ticket option for every major political party and minor political party.]~~
(Deleted by amendment.)

Sec. 2. NRS 293.1715 is hereby amended to read as follows:

293.1715 1. The names of the candidates for partisan office of a minor political party must not appear on the ballot for a primary election.

2. The names of the candidates for partisan office of a minor political party must be placed on the ballot for the general election if the minor political party is qualified. To qualify as a minor political party, the minor political party must have filed a certificate of existence and be organized pursuant to NRS 293.171, must have filed a list of its candidates for partisan office pursuant to the provisions of NRS 293.1725 with the Secretary of State and:

(a) At the last preceding general election, the minor political party must have polled for any of its candidates for partisan office a number of votes equal to or more than 1 percent of the total number of votes cast for the offices of Representative in Congress;

(b) On January 1 preceding a primary election, the minor political party must have been designated as the political party on the applications to register to vote of at least 1 percent of the total number of registered voters in this State; or

(c) ~~[Not later than the third Friday in]~~ On June 1 preceding the general election ~~[,]~~ or if the date falls on a weekend, the first Monday in June, must file a petition with the Secretary of State which is signed by a number of registered voters equal to at least 1 percent of the total number of votes cast at the last preceding general election for the offices of Representative in Congress ~~[,]~~ which must be apportioned equally among the petition districts.

3. The name of only one candidate of each minor political party for each partisan office may appear on the ballot for a general election.

4. A minor political party must file a copy of the petition required by paragraph (c) of subsection 2 with the Secretary of State before the petition may be circulated for signatures.

5. To determine the number of signatures required by paragraph (c) of subsection 2 to be gathered from each petition district, the Secretary of State shall calculate the number that equals 1 percent of the voters who voted in this State at the last preceding general election and apportion that number by the number of petition districts. Fractional numbers must be rounded up to the nearest whole number.

Sec. 3. NRS 293.174 is hereby amended to read as follows:

293.174 If the qualification of a minor political party to place the names of candidates on the ballot pursuant to NRS 293.1715 is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the ~~fourth Friday~~ *second Monday* in June. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the ~~fourth Friday~~ *second Monday* in June. A challenge pursuant to this section must be filed with the First Judicial District Court if the petition was filed with the Secretary of State. The district court in which the challenge is filed shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

Sec. 4. ~~NRS 293.2693 is hereby amended to read as follows:~~

~~293.2693 If a county or city uses paper ballots, including, without limitation, for absent ballots and ballots voted in a mailing precinct, the county or city clerk shall provide a voter education program specific to the voting system used by the county or city. The voter education program must include, without limitation, information concerning straight ticket voting pursuant to section 1 of this act, if applicable, the effect of overvoting and the procedures for correcting a vote on a ballot before it is cast and counted and for obtaining a replacement ballot. (Deleted by amendment.)~~

Sec. 5. ~~NRS 293B.080 is hereby amended to read as follows:~~

~~293B.080 A mechanical voting system must, except at primary elections, permit the voter to vote for all the candidates of one party in accordance with section 1 of this act or in part for the candidates of one party and in part for the candidates of one or more other parties. (Deleted by amendment.)~~

Sec. 6. NRS 304.030 is hereby amended to read as follows:

304.030 In case of a vacancy in the office of United States Senator caused by death, resignation or otherwise, the Governor may appoint some qualified person to fill the vacancy, *who is a member of the same political party as the former Senator for at least 90 days immediately preceding the creation of the vacancy and who shall hold office until the next general election and until his or her successor shall be elected and seated.*

Sec. 7. NRS 304.040 is hereby amended to read as follows:

304.040 Except as otherwise provided in NRS ~~304.200 to 304.250, inclusive,~~ 304.230 and 304.240, party candidates for Representative in Congress shall be nominated in the same manner as state officers are nominated.

Sec. 8. NRS 304.230 is hereby amended to read as follows:

304.230 1. In the event of a vacancy in the office of Representative in Congress, the Governor shall, within 7 days after the event giving rise to the vacancy, issue an election proclamation calling for ~~to~~ :

(a) *A special primary election to be held for selecting the nominee of each major political party for the office of Representative in Congress; and*

(b) *A special general election to fill the vacancy ~~to~~ in the office of Representative in Congress.*

2. The Governor shall specify the ~~date~~ *dates of the special primary election and the special general election in the proclamation. ~~Except as otherwise provided in subsection 2, the~~ The special primary election must be held not less than 60 days before the date of the special general election.*

3. *A special primary election and a special general election must be conducted:*

(a) *As soon as practicable after the issuance of the proclamation ~~to~~ but with sufficient time to comply with the provisions of chapter 293D of NRS and the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.;*

(b) *On a Tuesday; and*

(c) *Not more than 180 days after the issuance of the proclamation. ~~If the vacancy is caused by a catastrophe, the election must be conducted not more than 90 days after the issuance of the proclamation.~~*

~~—2.—~~ 4. *A special primary election or special general election required pursuant to subsection 1 may be consolidated with a statewide election or local election scheduled to be conducted within 90 days after the issuance of the proclamation. The special primary election or special general election may be consolidated with a local election occurring wholly or partially within the same territory in which the vacancy exists only if the voters eligible to vote in the local election comprise at least 50 percent of all voters eligible to vote on the vacancy. If a special primary election or a special general election is not consolidated with a statewide election or local election, the cost of the special primary election or special general election is a charge against the State and must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval of the State Board of Examiners.*

Sec. 9. NRS 304.240 is hereby amended to read as follows:

304.240 1. ~~If the Governor issues an election proclamation calling for a special election pursuant to NRS 304.230, no primary election may be held.~~

~~—2.—~~ ~~Except as otherwise provided in this section, a candidate must be nominated in the manner provided in chapter 293 of NRS and~~ *A person who wants to be a candidate at a special primary election called pursuant to NRS 304.230 must file a declaration of candidacy with the appropriate filing officer and pay the filing fee required by NRS 293.193 within the time prescribed by the Secretary of State pursuant to NRS 293.204, which must be*

established to allow a sufficient amount of time ~~{for the mailing of election ballots.~~

~~—3.}~~ to comply with the provisions of chapter 293D of NRS and the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.

2. A candidate of a major political party is nominated ~~{by filing a declaration of candidacy with the appropriate filing officer and paying the filing fee required by NRS 293.193 within the time prescribed by the Secretary of State pursuant to NRS 293.204.~~

~~—4.}~~ at the special primary election.

3. A minor political party that wishes to place its candidates on the ballot at the special general election must file a list of its candidates with the Secretary of State not ~~{more than 46 days before the special election and not less than 32 days before}~~ later than the day following the special primary election.

~~{5.}~~ 4. To have his or her name appear on the ballot ~~{}~~ at the special general election, an independent candidate must file a petition of candidacy with the appropriate filing officer not ~~{more than 46 days before the special election and not less than 32 days before}~~ later than the day following the special primary election.

~~{6.}~~ 5. Except as otherwise provided in this section and NRS ~~{304.200 to 304.250, inclusive.}~~ 304.230:

(a) The special primary election and special general election must be conducted pursuant to the provisions of chapter 293 of NRS.

(b) The general election laws of this State apply to the special primary election and the special general election.

Sec. 10. NRS 304.250 is hereby amended to read as follows:

304.250 The Secretary of State shall adopt such regulations as are necessary for conducting special elections pursuant to the provisions of NRS ~~{304.200 to 304.250, inclusive.}~~ 304.230 and 304.240.

Sec. 11. NRS 218A.260 is hereby amended to read as follows:

218A.260 1. If, for any reason set forth in Section 12 of Article 4 of the Nevada Constitution or for any other reason, a vacancy occurs in the office of a Legislator during a regular or special session or at a time when no biennial election or regular election at which county officers are to be elected will take place between the occurrence of the vacancy and the next regular or special session, the vacancy must be filled in the manner provided in this section.

2. ~~{}~~ Except as otherwise provided in subsection 3, if the former Legislator was elected or appointed from a district wholly within one county, the board of county commissioners of the county in which the district is located shall fill the vacancy by appointing a person who meets the qualifications for the office as required by NRS 218A.200, who is nominated or timely files an application to fill the vacancy, as applicable, pursuant to NRS 218A.262, ~~{and a declaration of eligibility pursuant to NRS 218A.264,}~~ who is a member of the same political party as the former Legislator and who has, in accordance

with NRS 281.050, actually, as opposed to constructively, resided in the district for at least 30 days immediately preceding the date *on which the person is nominated or the date* established pursuant to ~~subsection 1 of~~ NRS 218A.262 for the close of filing of applications to fill the vacancy ~~[-]~~, *as applicable*.

3. If the board of county commissioners votes to reject all of the qualified nominees submitted to the board pursuant to NRS 218A.262, if applicable, the board must request a new list of one or more qualified nominees from the Majority or Minority Leader of the House of which the former Legislator was a member and who is of the same political party as the former Legislator. Upon receipt of the new list of qualified nominees, the board of county commissioners shall fill the vacancy by appointing a qualified nominee from the new list.

4. Except as otherwise provided in subsection 5, if the former Legislator was elected or appointed from a district comprising more than one county, the boards of county commissioners of each county within or partly within the district shall fill the vacancy by appointing a person who meets the qualifications for the office as required by NRS 218A.200, who *is nominated or timely files an application to fill the vacancy, as applicable*, pursuant to NRS 218A.262, ~~and a declaration of eligibility pursuant to NRS 218A.264,~~ who is a member of the same political party as the former Legislator and who has, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the district for at least 30 days immediately preceding the date *on which the person is nominated or the date* established pursuant to ~~subsection 2 of~~ NRS 218A.262 for the close of filing of applications to fill the vacancy ~~[-]~~, *as applicable*. To fill the vacancy:

(a) Each board of county commissioners shall first meet separately. ~~and~~ Each board of county commissioners shall vote to determine the single candidate it will nominate to fill the vacancy ~~[-]~~ or, if a list of qualified nominees was submitted pursuant to NRS 218A.262, to reject all of the qualified nominees.

(b) The boards shall then meet jointly. The joint meeting must be chaired by the person who is the chair of the board of county commissioners of the county with the largest population in the district. At the joint meeting:

(1) The chair of each board, on behalf of that board, shall cast a proportionate number of votes according to the percent, rounded to the nearest whole percent, which the population of that board's county is of the population of the entire district. Populations must be determined by the last decennial census or special census conducted by the Bureau of the Census of the United States Department of Commerce.

(2) The person who receives a plurality of these votes is appointed to fill the vacancy. If a list of qualified nominees was not required to be submitted to the boards of county commissioners pursuant to NRS 218A.262 and no person receives a plurality of the votes, the boards of county commissioners of the

respective counties shall each select a candidate, and the appointee must be chosen by drawing lots among the candidates so selected.

~~[4.]~~ 5. *If at the joint meeting held pursuant to paragraph (b) of subsection 4 the choice to reject all of the qualified nominees from the list submitted pursuant to NRS 218A.262 receives a plurality of the votes, the boards of county commissioners must request a new list of one or more qualified nominees from the Majority or Minority Leader of the House of which the former Legislator was a member and who is of the same political party as the former Legislator. Upon receipt of the new list of qualified nominees, the board of county commissioners shall repeat the process set forth in subsection 4 but must fill the vacancy by appointing a qualified nominee from the new list of qualified nominees.*

6. The board of county commissioners or the board of the county with the largest population in the district shall issue a certificate of appointment naming the appointee. The county clerk or the clerk of the county with the largest population in the district shall give the certificate to the appointee and send a copy of the certificate to the Secretary of State.

7. *As used in this section, "qualified nominee" means a person:*

(a) Who meets the qualifications for the office as required by NRS 218A.200;

(b) Who is a member of the same political party as the former Legislator; and

(c) Who has, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the district of the former Legislator for at least 30 days immediately preceding the date on which the person is nominated by the Majority or Minority Leader of the House of which the former Legislator was a member and who is of the same political party as the former Legislator.

Sec. 12. NRS 218A.262 is hereby amended to read as follows:

218A.262 1. If a vacancy in the office of a Legislator must be filled pursuant to NRS 218A.260 and the former Legislator was elected or appointed from a district wholly within one county, *the Majority or Minority Leader of the House of which the former Legislator was a member who is of the same political party as the former Legislator must submit to the board of county commissioners a list of one or more qualified nominees to fill the vacancy. If the former Legislator is not of the same political party as the Majority or Minority Leader of the House of which the former Legislator was a member,* the board of county commissioners of the county in which the district is located shall establish:

(a) A process by which persons may file applications with the board to fill the vacancy; and

(b) A specific date for the close of filing of applications to fill the vacancy.

2. If a vacancy in the office of a Legislator must be filled pursuant to NRS 218A.260 and the former Legislator was elected or appointed from a district comprising more than one county ~~[+]~~, *the Majority or Minority Leader of the House of which the former Legislator was a member and who is of the*

same political party as the former Legislator must submit to the board of county commissioners of each county within or partly within the district a list of one or more qualified nominees to fill the vacancy. If the former Legislator is not of the same political party as the Majority or Minority Leader of the House of which the former Legislator was a member:

(a) The board of county commissioners of each county within or partly within the district shall establish a process by which persons may file applications with that board to fill the vacancy.

(b) The board of county commissioners of the county with the largest population in the district shall, after considering any recommendations made by the other boards within a reasonable time after the vacancy, establish a specific date that is the same for all of the boards for the close of filing of applications to fill the vacancy.

3. *If, pursuant to NRS 218A.260, the board or boards of county commissioners, as applicable, reject all of the qualified nominees on the list submitted by the Majority or Minority Leader of the House of which the former Legislator was a member who is of the same political party as the former Legislator, the same Majority or Minority Leader must submit a new list of one or more qualified nominees to fill the vacancy to the board or boards of county commissioners.*

4. *As used in this section, "qualified nominee" means a person:*

(a) *Who meets the qualifications for the office as required by NRS 218A.200;*

(b) *Who is a member of the same political party as the former Legislator; and*

(c) *Who has, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the district of the former Legislator for at least 30 days immediately preceding the date on which the person is nominated by the Majority or Minority Leader of the House of which the former Legislator was a member and who is of the same political party as the former Legislator.*

Sec. 13. NRS 218A.264 is hereby amended to read as follows:

218A.264 1. If a person is *nominated pursuant to NRS 218A.260 or 218A.262, or a person* files an application with any board of county commissioners to fill a vacancy in the office of a Legislator pursuant to NRS 218A.262, the person must execute and file with ~~this or her application~~ *the board of county commissioners*, a declaration of eligibility that must be in substantially the following form:

For the purpose of applying to fill the vacancy in the office of a Legislator in the following legislative district, ... (name of assembly or senatorial district), I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that, as required by NRS 218A.260, my actual, as opposed to constructive, residence in that legislative district began on a date at least 30 days immediately preceding the date *of nomination pursuant to*

NRS 218A.262 or the date established pursuant to NRS 218A.262 for the close of filing of applications to fill the vacancy ~~to~~, *as applicable*; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am registered as a member of the Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that I will otherwise qualify for the office if appointed thereto, including, but not limited to, complying with any limitation prescribed by the Constitution of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of eligibility which contains a false statement is a crime punishable as a gross misdemeanor; and that, as required by NRS 218A.200, I will have been an actual, as opposed to constructive, citizen resident of this State for 1 year immediately preceding the date of my appointment and that, during such period, I will have resided at the following residence or residences:

.....	
Street Address	Street Address
.....	
City or Town	City or Town
.....	
State	State
From..... To	From..... To
Dates of Residency	Dates of Residency
.....	
Street Address	Street Address
.....	
City or Town	City or Town
.....	
State	State
From..... To	From..... To
Dates of Residency	Dates of Residency

(Attach additional sheet or sheets of residences as necessary)

.....
(Name of applicant)

.....
(Signature of applicant)

Subscribed and sworn to before me
this ... day of the month of ... of the year ...

.....
Notary Public or other person
authorized to administer an oath

2. Each address of the applicant that must be included in the declaration of eligibility pursuant to subsection 1 must be the street address of the

residence where the applicant actually, as opposed to constructively, resided or resides in accordance with NRS 281.050, if one has been assigned. The declaration of eligibility must not be accepted for filing if any of the applicant's addresses are listed as a post office box unless a street address has not been assigned to the residence.

3. *Any person who does not submit a declaration of eligibility pursuant to this section is ineligible to fill the vacancy of the former Legislator.*

4. Any person who knowingly and willfully files a declaration of eligibility that contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 13.5. NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 62I.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, 304.230, 353.120, 353.262, 412.154 and 475.235;

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 and 213.153,

↪ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims;

(d) The payment of claims which are obligations of the State pursuant to NRS 41.950; and

(e) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk or a person designated by the Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners or to the person designated by the Clerk pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board or the person designated by the Clerk.

Sec. 14. (Deleted by amendment.)

Sec. 15. NRS 293.130, 293.133, 293.134, 293.135, 293.137, 293.140, 293.143, 293.145, 293.150, 293.153, 293.155, 293.157, 293.160, 293.161, 293.163, 304.200, 304.210 and 304.220 are hereby repealed.

Sec. 16. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 15, inclusive, of this act become effective:

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

(b) On January 1, 2022, for all other purposes.

LEADLINES OF REPEALED SECTIONS

293.130 County conventions: Place; notice.

293.133 Number of delegates from voting precincts to county convention.

293.134 Use of room or space occupied by State or local government by state or county central committee.

293.135 Precinct meetings of registered voters before county convention: Time and place; notice.

293.137 Election of delegates to county convention; procedure if precinct fails to elect delegates; certificates given to elected delegates; state central committee to adopt written procedural rules.

293.140 County conventions: Manner of organization; authorized action of delegates.

293.143 County central committee: Number; change in membership.

293.145 Number of delegates to state convention.

293.150 State conventions: Place and actions; additional conventions.

293.153 Number of members of state central committee.

293.155 Rules of county and state conventions; delegate must be qualified elector; unit rule of voting prohibited.

293.157 State and county central committees: Terms of office; termination of membership; vacancies.

293.160 State and county central committees: Election of officers and executive committee; other powers.

293.161 Right of participation as delegate to county or state convention or member of county or state central committee.

293.163 Selection of delegates and alternates to national party convention and members of national committee by state convention in presidential election year.

304.200 Definitions.

304.210 "Catastrophe" defined.

304.220 "Disappearance" defined.

Senator Ohrenschall moved that the Senate concur in Assembly Amendment No. 857 to Senate Bill No. 292.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 353.

The following Assembly amendment was read:

Amendment No. 827.

SUMMARY—Requires the Department of Education to review certain assessments. (BDR 34-528)

AN ACT relating to education; requiring the Department of Education to review examinations and assessments for certain information; requiring the Department to adopt regulations that prescribe certain limitations on examinations and assessments; authorizing the board of trustees of a school district or the governing body of a charter school to request a waiver from the State Board of Education for certain limitations; authorizing the State Board to grant a waiver in certain circumstances; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the administration of examinations and assessments to measure the achievement and proficiency of pupils in various subjects. (NRS 390.055, 390.105) Section 2 of this bill requires the Department of Education to review the examinations and assessments administered to pupils for: (1) the educational benefit of administering an examination or assessment; (2) the costs of administering an examination or assessment; and (3) redundancy in the information, skills or abilities measured by an examination or assessment. Section 3 of this bill requires the Department to adopt regulations that prescribe limitations for: (1) the time taken from instruction to conduct an examination or assessment; and (2) the number of examinations or assessments administered in a school year. Section 3 requires the board of trustees of a school district or the governing body of a charter school to request a waiver from the State Board of Education if the board of trustees or the governing body intends to administer an examination or assessment that would exceed the limits imposed by the Department. Section 3 authorizes the State Board to grant a waiver from the limitations to a school district or charter school if the State Board deems a waiver to be appropriate. Section 3.5 of this bill makes an appropriation to the Department for costs related to contract services and adopting regulations to carry out the provisions of this bill.

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

Section 1. Chapter 390 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *The Department shall review examinations and assessments administered pursuant to this chapter and examinations and assessments required to be administered by the board of trustees of a school district, the governing body of a charter school or a public school on a district-wide or school-wide basis, as applicable. for:*

1. *The educational benefit of an examination or assessment;*
2. *The cost of administering an examination or assessment; and*

3. Any redundancy in the information, skills or abilities measured by different examinations and assessments.

Sec. 3. 1. The Department shall adopt regulations that , for an examination or assessment administered pursuant to this chapter or required to be administered by the board of trustees of a school district, the governing body of a charter school or a public school on a district-wide or school-wide basis, as applicable, prescribe limits on the:

(a) Actual time taken from instruction to conduct an examination or assessment ~~; [pursuant to this chapter];~~ and

(b) Number of examinations or assessments administered to pupils ~~[pursuant to this chapter]~~ in a school year.

2. If the board of trustees of a school district or the governing body of a charter school intends to administer an examination or assessment ~~[pursuant to this chapter]~~ that would exceed a limitation in a regulation adopted by the Department pursuant to subsection 1, the board of trustees of the school district or the governing body of the charter school must request a waiver from the State Board to exceed the limitation. The State Board may grant a waiver requested pursuant to this subsection if the State Board deems it appropriate.

Sec. 3.5. 1. There is hereby appropriated from the State General Fund to the Department of Education for costs related to contract services and adopting regulations to carry out the provisions of this act the following sums:

For the Fiscal Year 2021-2022..... \$65,364

For the Fiscal Year 2022-2023..... \$187,500

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2022, and September 15, 2023, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2022, and September 15, 2023, respectively.

Sec. 4. 1. This section and section 3.5 of this act become effective on July 1, 2021.

2. Sections 1, 2 and 3 of this act become effective on January 1, 2022.

Senator Denis moved that the Senate concur in Assembly Amendment No. 827 to Senate Bill No. 353.

Remarks by Senator Denis.

Amendment No. 827 to Senate Bill No. 353 clarifies issues concerning examinations and assessments.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 460.

The following Assembly amendment was read:

Amendment No. 860.

SUMMARY ~~[Revises provisions relating to state financial administration.]~~ Makes appropriations to certain state agencies for certain purposes. (BDR S-1176)

AN ACT ~~[relating to state financial administration;]~~ making appropriations to certain state agencies for certain purposes; ~~[revising provisions relating to the compensation of employees of the Senate and Assembly;]~~ and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services for the Northern Nevada Adult Mental Health Services budget account the sum of \$389,399 for community-based living arrangement services.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2022, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2022, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2022.

Sec. 2. 1. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services for the Rural Clinics budget account for psychiatric services the following sums:

For the Fiscal Year 2021-2022..... \$486,321

For the Fiscal Year 2022-2023..... \$486,321

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2022, and September 15, 2023, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2022, and September 15, 2023, respectively.

Sec. 3. 1. There is hereby appropriated from the State General Fund to the Division of Child and Family Services of the Department of Health and Human Services for the Washoe County Child Welfare budget account for the fiscal incentives program the following sums:

For the Fiscal Year 2021-2022..... \$892,500

For the Fiscal Year 2022-2023..... \$805,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2022, and September 15, 2023, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2022, and September 15, 2023, respectively.

Sec. 4. 1. There is hereby appropriated from the State General Fund to the Division of Child and Family Services of the Department of Health and Human Services for the Clark County Child Welfare budget account for the fiscal incentives program the following sums:

For the Fiscal Year 2021-2022.....\$2,677,500

For the Fiscal Year 2022-2023.....\$2,415,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2022, and September 15, 2023, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2022, and September 15, 2023, respectively.

Sec. 5. 1. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services for the Problem Gambling budget account for gambling treatment and prevention services the following sums:

For the Fiscal Year 2021-2022..... \$176,000

For the Fiscal Year 2022-2023..... \$176,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2022, and September 15, 2023, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2022, and September 15, 2023, respectively.

Sec. 6. 1. There is hereby appropriated from the State General Fund to the Account for Family Planning created by NRS 442.725 the following sums:

For the Fiscal Year 2021-2022..... \$621,707

For the Fiscal Year 2022-2023..... \$621,707

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2022, and September 15, 2023, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2022, and September 15, 2023, respectively.

Sec. 7. 1. There is hereby appropriated from the State General Fund to the Division of Child and Family Services of the Department of Health and Human Services for the Children, Youth and Family Administration budget account for the Nevada Partnership for Training contract with the University of Nevada, Reno, School of Social Work the following sums:

For the Fiscal Year 2021-2022..... \$64,963

For the Fiscal Year 2022-2023..... \$65,106

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2022, and September 15, 2023, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2022, and September 15, 2023, respectively.

Sec. 8. 1. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services for the Southern Nevada Adult Mental Health Services budget account for office space and associated operating costs the following sums:

For the Fiscal Year 2021-2022..... \$76,871

For the Fiscal Year 2022-2023..... \$78,987

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2022, and September 15, 2023, respectively, by either the entity to which the money

was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2022, and September 15, 2023, respectively.

Sec. 9. 1. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services for the Chronic Disease budget account for vaping prevention activities the following sums:

For the Fiscal Year 2021-2022.....\$2,500,000

For the Fiscal Year 2022-2023.....\$2,500,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2022, and September 15, 2023, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2022, and September 15, 2023, respectively.

Sec. 10. 1. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services for the Health Care Facilities Regulation budget account for community-based living arrangement services the following sums:

For the Fiscal Year 2021-2022..... \$61,205

For the Fiscal Year 2022-2023..... \$63,855

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2022, and September 15, 2023, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2022, and September 15, 2023, respectively.

Sec. 11. 1. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services for the Health Care Facilities Regulation budget account for replacement equipment the following sums:

For the Fiscal Year 2021-2022..... \$1,089

For the Fiscal Year 2022-2023..... \$2,129

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or

otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2022, and September 15, 2023, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2022, and September 15, 2023, respectively.

Sec. 12. 1. There is hereby appropriated from the State General Fund to the Department of Tourism and Cultural Affairs for the Nevada Humanities budget account for the Nevada Humanities program the following sums:

For the Fiscal Year 2021-2022..... \$25,000

For the Fiscal Year 2022-2023..... \$25,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2022, and September 15, 2023, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2022, and September 15, 2023, respectively.

Sec. 13. 1. There is hereby appropriated from the State General Fund to the Department of Education for the Nevada Institute on Teaching and Educator Preparation established pursuant to NRS 396.5185 the following sums:

For the Fiscal Year 2021-2022..... \$750,000

For the Fiscal Year 2022-2023..... \$750,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2022, and September 15, 2023, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2022, and September 15, 2023, respectively.

Sec. 14. 1. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education for the Cooperative Extension Service budget account for travel and operating costs the following sums:

For the Fiscal Year 2021-2022..... \$213,771

For the Fiscal Year 2022-2023..... \$213,771

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation

is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2022, and September 15, 2023, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2022, and September 15, 2023, respectively.

Sec. 15. There is hereby appropriated from the State General Fund to the Legislative Fund created by NRS 218A.150 for personnel costs for two security scanner positions the following sums:

For the Fiscal Year 2021-2022..... \$124,182

For the Fiscal Year 2022-2023..... \$129,272

Sec. 16. There is hereby appropriated from the State General Fund to the Legislative Fund created by NRS 218A.150 for personnel, travel and operating costs for three positions for the Senate the following sums:

For the Fiscal Year 2021-2022..... \$302,596

For the Fiscal Year 2022-2023..... \$5,925

Sec. 17. ~~[NRS 218A.605 is hereby amended to read as follows:~~

~~218A.605 1. Except as otherwise provided in this section, the employees of the Senate and the Assembly must be paid, for all services rendered by them under the provisions of this chapter, the following base amounts of money for each day's employment:~~

~~Assistant Secretary/Assistant Chief Clerk..... \$111~~

~~Document Clerk..... 105~~

~~History Clerk..... 105~~

~~Journal Clerk..... 105~~

~~Media Clerk..... 105~~

~~Recording Clerk..... 105~~

~~Sergeant at Arms..... 105~~

~~Deputy/Senior Sergeant at Arms..... 90~~

~~Assistant Sergeant at Arms..... 84~~

~~Senior Page..... 77~~

~~Page/Student..... 61~~

~~Clerical Services Administrator/Supervisor of Clerical~~

~~Services..... 111~~

~~Executive Assistant..... \$103~~

~~Executive Secretary..... 98~~

~~Leadership Receptionist..... 90~~

~~Senior Secretary..... 90~~

~~Secretary..... 84~~

~~Senior Committee Manager..... 103~~

~~Committee Manager..... 98~~

~~Lead Committee Secretary..... 103~~

~~Secretary for Senate Committee on Finance or Assembly~~

~~Committee on Ways and Means..... 101~~

Senior Committee Secretary	98
Committee Secretary	90
Senior Proofreader	98
Proofreader	90
Committee Minutes Coordinator	98
Data Entry Technician	82
Word Processing Clerk	69
Reproduction Services Supervisor	90
Bill Services Administrator/Supervisor of Bill Services	82
Assistant Bill Services Administrator/Supervisor of Bill Services	75
Bill Services Clerk	61

~~2. In addition to the positions listed in subsection 1, the Secretary of the Senate and the Chief Clerk of the Assembly may establish additional positions as necessary and shall establish an appropriate base amount for those additional positions.~~

~~3. The base amount paid to an employee of the Legislature listed in subsection 1 or created pursuant to subsection 2:~~

~~(a) Must be increased cumulatively by each cost of living increase granted to employees in the classified service of the State that becomes effective on or after July 1, 2001; and~~

~~(b) May be increased cumulatively by the Secretary of the Senate or the Chief Clerk of the Assembly, as applicable, by:~~

~~(1) One step of 5 percent for each regular session during which the employee previously worked for the Legislature in the same or a similar position, not to exceed the number of steps in the State's compensation schedule per position, if the Secretary of the Senate or the Chief Clerk of the Assembly determined that the employee performed his or her duties in a satisfactory manner during the previous regular session or sessions; or~~

~~(2) One or more steps of 5 percent, not to exceed the number of steps in the State's compensation schedule per position, as determined by the Secretary of the Senate or the Chief Clerk of the Assembly, based upon previous service with the Legislative Counsel Bureau in a position that is similar to the position with the Senate or the Assembly, as applicable.~~

~~4. If an employee of the Legislative Counsel Bureau transfers to a position with the Senate or the Assembly during a regular or special session, the employee may, with the approval of the Secretary of the Senate or the Chief Clerk of the Assembly, continue to be paid on an hourly basis at the same rate that the employee was being paid by the Legislative Counsel Bureau if the position with the Legislative Counsel Bureau is similar to the position with the Senate or the Assembly, as applicable.~~

~~5. During periods of adjournment to a day certain, employees of the Legislature whose service is required shall perform duties as assigned and are entitled to be paid the amount specified in subsection 1 for each day of service, as adjusted pursuant to subsection 3, if applicable.~~

~~6. During periods before the commencement of a regular or special session and after the adjournment of a regular or special session *sine die*, employees of the Legislature whose service is required shall perform duties as assigned and are entitled to be paid at an hourly rate commensurate with the daily rate specified in subsection 1, as applicable, and are entitled to be compensated for overtime in the same manner as provided for employees of the Legislative Counsel Bureau.~~

~~7. During a special session and with the approval of the Secretary of the Senate or the Chief Clerk of the Assembly, an employee of the Legislature whose service is required may be paid at an hourly rate commensurate with the daily rate specified in subsection 1, as applicable, and compensated for overtime in the same manner as provided for employees of the Legislative Counsel Bureau.] (Deleted by amendment.)~~

Sec. 18. This act becomes effective on July 1, 2021.

Senator Brooks moved that the Senate concur in Assembly Amendment No. 860 to Senate Bill No. 460.

Motion carried by a constitutional majority.

Bill ordered enrolled.

REPORTS OF CONFERENCE COMMITTEES

Madam President:

The Conference Committee concerning Senate Bill No. 369, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment Nos. 652 and 676 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 3, which is attached to and hereby made a part of this report.

SUMMARY—Revises provisions relating to criminal procedure. (BDR 14-375)

AN ACT relating to criminal procedure; removing the requirement that an arrested person show good cause before being released without bail; providing that a court may only impose bail or a condition of release, or both, on a person if the imposition is the least restrictive means necessary to protect the safety of the community or to ensure the appearance of the person in court; requiring prosecuting attorneys under certain circumstances to prove by clear and convincing evidence that the imposition of bail or a condition of release, or both, on a person is necessary to protect the safety of the community or to ensure the appearance of the person in court; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Constitution prohibits the imposition of excessive bail and requires all persons arrested for offenses other than murder of the first degree to be admitted to bail. (Nev. Const. Art. 1, §§ 6, 7)

Recently, the Nevada Supreme Court held that a provision of law requiring an arrested person to show good cause before being released without bail violated his or her constitutional right to nonexcessive bail. Specifically, the Nevada Supreme Court held that the provision of law was unconstitutional because it: (1) did not require the court to consider less restrictive conditions of release before determining that the imposition of bail was necessary; and (2) effectively relieved the State from its burden of proving that the imposition of bail on the person was necessary to protect the safety of the community or to ensure the appearance of the person in court. (*Valdez-Jimenez v. Eighth Jud. Dist. Court*, 136 Nev. 155 (2020); Nev. Const. Art. 1, §§ 6, 7; NRS 178.4851) Section 3 of this bill removes the provision of law that was found unconstitutional and section 4 of this bill makes a conforming change.

Existing law sets forth separate procedures for releasing persons with bail and releasing persons without bail. (NRS 178.484, 178.4851) Specifically, existing law: (1) restricts persons from being

released on bail under certain circumstances; and (2) mandates specific amounts of bail for offenses involving domestic violence and violations of certain orders for protections. (NRS 178.484) Section 2 of this bill retains the existing restrictions and specific amounts of bail while section 3 consolidates the existing procedures for releasing persons with bail and releasing persons without bail into a standard procedure for courts to follow in making pretrial custody determinations. Sections 1, 5 and 6 of this bill make conforming changes to reflect the consolidation of the procedures.

Section 3 requires the court: (1) to only impose bail or a condition of release, or both, on a person as it deems to be the least restrictive means necessary to protect the safety of the community or to ensure that the person will appear at all times and places ordered by the court, with regard to certain factors; and (2) to make certain findings of fact relating to the imposition of bail or any condition of release, or both.

Section 3 also requires a prosecuting attorney, if he or she requests the imposition of bail or a condition of release on a person, to prove by clear and convincing evidence that the imposition of bail is necessary to protect the safety of the community or to ensure the appearance of the person in court.

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

Section 1. NRS 171.1845 is hereby amended to read as follows:

171.1845 1. If a person is brought before a magistrate under the provisions of NRS 171.178 or 171.184, and it is discovered that there is a warrant for the person's arrest outstanding in another county of this State, the magistrate may release the person in accordance with the provisions of NRS ~~[178.484 or]~~ 178.4851 if:

- (a) The warrant arises out of a public offense which constitutes a misdemeanor; and
 - (b) The person provides a suitable address where the magistrate who issued the warrant in the other county can notify the person of a time and place to appear.
2. If a person is released under the provisions of this section, the magistrate who releases the person shall transmit the cash, bond, notes or agreement submitted under the provisions of NRS 178.502 or 178.4851, together with the person's address, to the magistrate who issued the warrant. Upon receipt of the cash, bonds, notes or agreement and address, the magistrate who issued the warrant shall notify the person of a time and place to appear.

3. Any bail set under the provisions of this section must be in addition to and apart from any bail set for any public offense with which a person is charged in the county in which a magistrate is setting bail. In setting bail under the provisions of this section, a magistrate shall set the bail in an amount which is sufficient to induce a reasonable person to travel to the county in which the warrant for the arrest is outstanding.

4. A person who fails to appear in the other county as ordered is guilty of failing to appear and shall be punished as provided in NRS 199.335. A sentence of imprisonment imposed for failing to appear in violation of this section must be imposed consecutively to a sentence of imprisonment for the offense out of which the warrant arises.

Sec. 2. NRS 178.484 is hereby amended to read as follows:

178.484 1. Except as otherwise provided in this section, a person arrested for an offense other than murder of the first degree must be admitted to bail.

2. A person arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:

- (a) A court issues an order directing that the person be admitted to bail;
- (b) The State Board of Parole Commissioners directs the detention facility to admit the person to bail; or
- (c) The Division of Parole and Probation of the Department of Public Safety directs the detention facility to admit the person to bail.

3. A person arrested for a felony whose sentence has been suspended pursuant to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense must not be admitted to bail unless:

- (a) A court issues an order directing that the person be admitted to bail; or
- (b) A department of alternative sentencing directs the detention facility to admit the person to bail.

4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

5. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of intoxicating liquor must not be admitted to bail or released on the person's own recognizance unless the person has a concentration of alcohol of less than 0.04 in his or her breath. A test of the person's breath pursuant to this subsection to determine the concentration of alcohol in his or her breath as a condition of admission to bail or release is not admissible as evidence against the person.

6. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of a controlled substance, is under the combined influence of intoxicating liquor and a controlled substance, or inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle or vessel under power or sail must not be admitted to bail or released on the person's own recognizance sooner than 12 hours after arrest.

7. A person arrested for a battery that constitutes domestic violence pursuant to NRS 33.018 must not be admitted to bail sooner than 12 hours after arrest. If the person is admitted to bail more than 12 hours after arrest, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of battery that constitute domestic violence pursuant to NRS 33.018 and there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation;

(b) Five thousand dollars, if the person has:

(1) No previous convictions of battery that constitute domestic violence pursuant to NRS 33.018, but there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(2) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018, but there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(c) Fifteen thousand dollars, if the person has:

(1) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 and there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(2) Two or more previous convictions of battery that constitute domestic violence pursuant to NRS 33.018.

☞ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court, or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

8. A person arrested for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or for violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or for violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 must not be admitted to bail sooner than 12 hours after arrest if:

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

(b) The person has previously violated a temporary or extended order for protection of the type for which the person has been arrested; or

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

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

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

9. If a person is admitted to bail more than 12 hours after arrest, pursuant to subsection 8, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378;

(b) Five thousand dollars, if the person has one previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or

(c) Fifteen thousand dollars, if the person has two or more previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378.

➤ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378, if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

10. ~~The court may, before releasing a person arrested for an offense punishable as a felony, require the surrender to the court of any passport the person possesses.~~

~~11. Before releasing a person arrested for any crime, the court may impose such reasonable conditions on the person as it deems necessary to protect the health, safety and welfare of the community and to ensure that the person will appear at all times and places ordered by the court, including, without limitation:~~

~~(a) Requiring the person to remain in this State or a certain county within this State;~~

~~(b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the person's behalf;~~

~~(c) Prohibiting the person from entering a certain geographic area; or~~

— (d) Prohibiting the person from engaging in specific conduct that may be harmful to the person's own health, safety or welfare, or the health, safety or welfare of another person.

✖ In determining whether a condition is reasonable, the court shall consider the factors listed in NRS 178.4853.

— 12. If a person fails to comply with a condition imposed pursuant to subsection 11, the court may, after providing the person with reasonable notice and an opportunity for a hearing:

— (a) Deem such conduct a contempt pursuant to NRS 22.010; or

— (b) Increase the amount of bail pursuant to NRS 178.499.

— 13. An order issued pursuant to this section that imposes a condition on a person admitted to bail must include a provision ordering any law enforcement officer to arrest the person if the officer has probable cause to believe that the person has violated a condition of bail.

— 14. Before a person may be admitted to bail, the person must sign a document stating that:

— (a) The person will appear at all times and places as ordered by the court releasing the person and as ordered by any court before which the charge is subsequently heard;

— (b) The person will comply with the other conditions which have been imposed by the court and are stated in the document; and

— (c) If the person fails to appear when so ordered and is taken into custody outside of this State, the person waives all rights relating to extradition proceedings.

✖ The signed document must be filed with the clerk of the court of competent jurisdiction as soon as practicable, but in no event later than the next business day.

— 15. If a person admitted to bail fails to appear as ordered by a court and the jurisdiction incurs any cost in returning the person to the jurisdiction to stand trial, the person who failed to appear is responsible for paying those costs as restitution.

— 16. For the purposes of subsections 8 and 9, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.

{17.} 11. As used in this section, "strangulation" has the meaning ascribed to it in NRS 200.481.

Sec. 3. NRS 178.4851 is hereby amended to read as follows:

178.4851 1. {Upon a showing of good cause, a court may release without bail any person entitled to bail if it appears to the court that it can impose conditions on the person that will adequately protect the health, safety and welfare of the community and ensure that the person will appear at all times and places ordered by the court.

— 2. ~~In releasing a person without bail, the court may impose such conditions} Except as otherwise provided in subsection 4, the court shall only impose bail or a condition of release, or both, on a person as it deems to be the least restrictive means necessary to protect the {health,} safety {and welfare} of the community {and} or to ensure that the person will appear at all times and places ordered by the court, {including, without limitation, any condition set forth in subsection 11 of NRS 178.484.~~

— 3. ~~Upon a showing of good cause, a sheriff or chief of police may release without bail any person charged with a misdemeanor pursuant to standards established by a court of competent jurisdiction.~~

— 4. ~~Before a person may be released without bail, the} with regard to the factors set forth in NRS 178.4853 and 178.498. Such conditions of release may include, without limitation:~~

(a) ~~Requiring the person to remain in this State or a certain county within this State;~~

(b) ~~Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the person's behalf;~~

(c) ~~Prohibiting the person from entering a certain geographic area;~~

(d) ~~Prohibiting the person from possessing a firearm during the pendency of the case; or~~

~~{(e)} (e) Prohibiting the person from engaging in specific conduct that may be harmful to the person's own health, safety or welfare, or the health, safety or welfare of another person.~~

2. A prosecuting attorney may request that a court impose bail or a condition of release, or both, on a person. If the request includes the imposition of bail, the prosecuting attorney must prove by clear and convincing evidence that the imposition of bail is necessary to protect the safety of the community or to ensure that the person will appear at all times and places ordered by the court, with regard to the factors set forth in NRS 178.4853 and 178.498.

3. If a court imposes bail or any condition of release, or both, other than release on recognizance with no other conditions of release, the court shall make findings of fact for such a determination and state its reasoning on the record, and, if the determination includes the imposition of a condition of release, the findings of fact must include why the condition of release constitutes the least restrictive means necessary to protect the safety of the community or to ensure the person will appear at the times and places ordered by the court.

4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

5. The person must ~~{file with the clerk of the court of competent jurisdiction a signed}~~ sign a document before the person's release stating that:

(a) The person will appear at all times and places as ordered by the court releasing the person and as ordered by any court before which the charge is subsequently heard;

(b) The person will comply with the other conditions which have been imposed by the court and are stated in the document;

(c) If the person fails to appear when so ordered and is taken into custody outside of this State, the person waives all rights relating to extradition proceedings; and

(d) The person understands that any court of competent jurisdiction may revoke the order of release without bail and may order the person into custody or require the person to furnish bail or otherwise ensure the protection of the ~~{health,}~~ safety ~~{and welfare}~~ of the community or the person's appearance ~~{-~~

~~—5.}~~ , if applicable.

6. The document signed pursuant to subsection 5 must be filed with the clerk of the court of competent jurisdiction and becomes effective upon the signature of the person to be released.

7. If a person fails to comply with a condition of release imposed pursuant to this section, the court may, after providing the person with reasonable notice and an opportunity for a hearing:

(a) Deem such conduct a contempt pursuant to NRS 22.010;

(b) Increase the amount of bail pursuant to NRS 178.499, if applicable; or

(c) Revoke bail and remand the person into custody.

8. If a person fails to appear as ordered by the court and a jurisdiction incurs any costs in returning a person to the jurisdiction to stand trial, the person failing to appear is responsible for paying those costs as restitution.

~~{6.}~~ 9. An order issued pursuant to this section that imposes a condition on a person ~~{who is released without bail}~~ must include a provision ordering a law enforcement officer to arrest the person if the law enforcement officer has probable cause to believe that the person has violated a condition of release.

10. Nothing in this section shall be construed to require a court to receive the request of a prosecuting attorney before imposing a condition of release.

Sec. 4. NRS 178.4853 is hereby amended to read as follows:

178.4853 In ~~{deciding whether there is good cause to release}~~ reviewing the custody status of a person , ~~{without bail,}~~ the court at a minimum shall consider the following factors concerning the person:

1. The length of residence in the community;

2. The status and history of employment;

3. Relationships with the person's spouse and children, parents or other family members and with close friends;

4. Reputation, character and mental condition;

5. Prior criminal record, including, without limitation, any record of appearing or failing to appear after release on bail or without bail;

6. The identity of responsible members of the community who would vouch for the reliability of the person;

7. The nature of the offense with which the person is charged, the apparent probability of conviction and the likely sentence, insofar as these factors relate to the risk of not appearing;

8. The nature and seriousness of the danger to the alleged victim, any other person or the community that would be posed by the person's release;

9. The likelihood of more criminal activity by the person after release; and
10. Any other factors concerning the person's ties to the community or bearing on the risk that the person may willfully fail to appear.

Sec. 5. NRS 178.498 is hereby amended to read as follows:

178.498 ~~[If the defendant is admitted to bail, the bail must be set at an amount which in the judgment of the magistrate will reasonably ensure the appearance of the defendant and the safety of other persons and of the community, having regard to:] In deciding the amount of bail to impose on a person, the court shall consider:~~

1. The nature and circumstances of the offense charged;
2. The financial ability of the defendant to give bail;
3. The character of the defendant; and
4. The factors listed in NRS 178.4853.

Sec. 6. NRS 178.502 is hereby amended to read as follows:

178.502 1. A person required or permitted to give bail shall execute a bond for the person's appearance. The magistrate or court or judge or justice, having regard to the considerations set forth in NRS ~~[178.498,]~~ 178.4851, may require one or more sureties or may authorize the acceptance of cash or bonds or notes of the United States in an amount equal to or less than the face amount of the bond.

2. Any bond or undertaking for bail must provide that the bond or undertaking:

- (a) Extends to any action or proceeding in a justice court, municipal court or district court arising from the charge on which bail was first given in any of these courts; and
- (b) Remains in effect until exonerated by the court.

➤ This subsection does not require that any bond or undertaking extend to proceedings on appeal.

3. If an action or proceeding against a defendant who has been admitted to bail is transferred to another trial court, the bond or undertaking must be transferred to the clerk of the court to which the action or proceeding has been transferred.

4. Except as otherwise provided in subsection 5, the court shall exonerate the bond or undertaking for bail if:

- (a) The action or proceeding against a defendant who has been admitted to bail is dismissed; or
- (b) No formal action or proceeding is instituted against a defendant who has been admitted to bail.

5. The court may delay exoneration of the bond or undertaking for bail for a period not to exceed 30 days if, at the time the action or proceeding against a defendant who has been admitted to bail is dismissed, the defendant:

(a) Has been indicted or is charged with a public offense which is the same or substantially similar to the charge upon which bail was first given and which arises out of the same act or omission supporting the charge upon which bail was first given; or

(b) Requests to remain admitted to bail in anticipation of being later indicted or charged with a public offense which is the same or substantially similar to the charge upon which bail was first given and which arises out of the same act or omission supporting the charge upon which bail was first given.

➤ If the defendant has already been indicted or charged, or is later indicted or charged, with a public offense arising out of the same act or omission supporting the charge upon which bail was first given, the bail must be applied to the public offense for which the defendant has been indicted or charged or is later indicted or charged, and the bond or undertaking must be transferred to the clerk of the appropriate court. Within 10 days after its receipt, the clerk of the court to whom the bail is transferred shall mail or electronically transmit notice of the transfer to the surety on the bond and the bail agent who executed the bond.

6. Bail given originally on appeal must be deposited with the magistrate or the clerk of the court from which the appeal is taken.

MELANIE SCHEIBLE

DALLAS HARRIS

JAMES SETTELMAYER

Senate Conference Committee

STEVE YEAGER

ROCHELLE NGUYEN

HEIDI KASAMA

Assembly Conference Committee

Senator Scheible moved that the Senate adopt the report of the Conference Committee concerning Senate Bill No. 369.

Motion carried by a constitutional majority.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Assembly Bill No. 492 be taken from the General File and placed at the top of the General File on the sixth Agenda.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 31, 2021

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 40, 128, 164, 274, 278, 440.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 24, Amendment No. 852; Senate Bill No. 96, Amendment No. 853; Senate Bill No. 325, Amendment No. 819; Senate Bill No. 380, Amendment No. 855; Senate Bill No. 448, Amendment No. 831, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 774 to Assembly Bill No. 116; Senate Amendment No. 850 to Assembly Bill No. 224; Senate Amendment No. 813 to Assembly Bill No. 422; Senate Amendment No. 814 to Assembly Bill No. 464; Senate Amendment No. 815 to Assembly Bill No. 468; Senate Amendment No. 835 to Assembly Bill No. 486.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 457.

The following Assembly amendment was read:

Amendment No. 845.

SUMMARY—Revises provisions governing the State Highway Fund. (BDR 35-1163)

AN ACT relating to the State Highway Fund; temporarily increasing the maximum amount of certain proceeds deposited in the State Highway Fund that may be used for the costs of administering the collection of those proceeds; making an appropriation; and providing other matters properly relating thereto. Legislative Counsel's Digest:

Under existing law, all the proceeds from the imposition of any license or registration fee and other charges regarding the operation of a motor vehicle on any public highway, road or street in Nevada, except for the costs of administering the collection of those proceeds, are required to be deposited in the State Highway Fund and used exclusively for the construction, maintenance and repair of the State's public highways. (Nev. Const. Art. 9, § 5; NRS 408.235) The maximum amount of such proceeds that may be used for the costs of administration is 22 percent. (NRS 408.235) ~~[This]~~ Section 4.5 of this bill temporarily increases the maximum amount of the proceeds that may be used for the costs of administration from 22 percent to 27 percent for the period commencing on July 1, 2021, and ending on June 30, 2026.

Section 4.7 of this bill makes an appropriation to the Department of Motor Vehicles for the cost of issuing refunds of certain fees paid during Fiscal Year 2020-2021.

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. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 4.5. NRS 408.235 is hereby amended to read as follows:

408.235 1. There is hereby created the State Highway Fund.

2. Except as otherwise provided by a specific statute, the proceeds from the imposition of any:

(a) License or registration fee and other charges with respect to the operation of any motor vehicle upon any public highway, city, town or county road, street, alley or highway in this State; and

(b) Excise tax on gasoline or other motor vehicle fuel,
↪ must be deposited in the State Highway Fund and must, except for costs of administering the collection thereof, be used exclusively for the administration, construction, reconstruction, improvement and maintenance of highways as provided for in this chapter.

3. The interest and income earned on the money in the State Highway Fund, after deducting any applicable charges, must be credited to the Fund.

4. Costs of administration for the collection of the proceeds for any license or registration fees and other charges with respect to the operation of any motor vehicle must be limited to a sum not to exceed ~~{22}~~ 27 percent of the total proceeds so collected.

5. Costs of administration for the collection of any excise tax on gasoline or other motor vehicle fuel must be limited to a sum not to exceed 1 percent of the total proceeds so collected.

6. All bills and charges against the State Highway Fund for administration, construction, reconstruction, improvement and maintenance of highways under the provisions of this chapter must be certified by the Director and must be presented to and examined by the State Board of Examiners. When allowed by the State Board of Examiners and upon being audited by the State Controller, the State Controller shall draw his or her warrant therefor upon the State Treasurer.

7. The money deposited in the State Highway Fund pursuant to NRS 244A.637 and 354.59815 must be maintained in a separate account for the county from which the money was received. The interest and income on the money in the account, after deducting any applicable charges, must be credited to the account. Any money remaining in the account at the end of each fiscal year does not revert to the State Highway Fund but must be carried over into the next fiscal year. The money in the account:

(a) Must be used exclusively for the construction, reconstruction, improvement and maintenance of highways in that county as provided for in this chapter;

(b) Must not be used to reduce or supplant the amount or percentage of any money which would otherwise be made available from the State Highway Fund for projects in that county; and

(c) Must not be used for any costs of administration or to purchase any equipment.

8. The money deposited in the State Highway Fund pursuant to NRS 482.313 must be maintained in a separate account. The interest and income on the money in the account, after deducting any applicable charges, must be credited to the account. Any money remaining in the account at the end of each fiscal year does not revert to the State Highway Fund but must be carried over into the next fiscal year. The money in the account:

(a) Must be used exclusively for the construction, reconstruction, improvement and maintenance of highways as provided for in this chapter; and

(b) Must not be used for any costs of administration or to purchase any equipment.

Sec. 4.7. 1. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles the sum of \$7,840,974 for the cost of issuing refunds of the technology fee imposed pursuant to sections 3 and 7 of chapter 394, Statutes of Nevada 2015, at pages 2211-13, as amended by chapter 400, Statutes of Nevada 2019, at pages 2501-02, which were paid during Fiscal Year 2020-2021.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 15, 2023.

Sec. 5. 1. This section and sections 1 to 4, inclusive, and 4.7 of this act become effective upon passage and approval.

2. Section 4.5 of this act becomes effective on July 1, 2021, and expires by limitation on June 30, 2026.

Senator Brooks moved that the Senate concur in Assembly Amendment No. 845 to Senate Bill No. 457.

Motion carried by a constitutional majority.

Bill ordered enrolled.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 31, 2021

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day adopted the report of the Conference Committee concerning Senate Bill No. 369, Assembly Bill No. 368.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Madam President:

The Conference Committee concerning Assembly Bill No. 368, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 615 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 2, which is attached to and hereby made a part of this report.

SUMMARY—Revises provisions relating to improvement districts. (BDR 22-17)

AN ACT relating to improvement districts; revising the projects authorized to be financed within a tourism improvement district; eliminating the authority to create a tourism improvement district; district in certain smaller counties; revising the reporting requirements for the Department of Taxation related to tourism improvement districts; eliminating the authority to pledge certain proceeds to finance certain projects for the promotion of economic development and tourism in a local improvement district; and providing other matters properly relating thereto. Legislative Counsel's Digest:

Existing law authorizes the governing body of any city or county to create a tourism improvement district (TID) and to pledge revenue from several sales and use taxes imposed in that district to finance certain projects within the district. (Chapter 271A of NRS) Existing law defines the term "project" to mean an art project, a tourism and entertainment project, a sports stadium and certain recreational projects. (NRS 271A.050) Section 3.5 of this bill removes a sports stadium from the definition of a project, thereby prohibiting a municipality from pledging revenue in a district to finance a sports stadium within a TID. Section 4 of this bill eliminates the authority of the governing body of a city in a county whose population is less than 700,000 (currently all cities other than Boulder City, the City of Henderson, the City of Las Vegas, the City of Mesquite and the City of North Las Vegas) or of a county whose population is less than 700,000 (currently all counties other than Clark County) to create a TID on or after July 1, 2021. Section 4 therefore retains the authority of a governing body of a city in a county whose population is 700,000 or more (currently Boulder City, the City of Henderson, the City of Las Vegas, the City of Mesquite and the City of North Las Vegas) or of a county whose population is 700,000 or more (currently Clark County) to create a TID on or after July 1, 2021.

Existing law requires, with certain exceptions, the Department of Taxation to prepare and submit a semiannual report to the Director of the Legislative Counsel Bureau and the governing body of a municipality related to a tourism improvement district (TID) that states: (1) the amount of revenue from the taxable sales made each month by the businesses within a TID; (2) the portion of revenue which is attributable to persons who are not residents of this State; (3) the amount of the wages paid each month by the businesses within the TID; and (4) the number of full-time and part-time employees employed each month by businesses within the TID. The report must provide the information separately for each TID in the municipality unless reporting the information separately would disclose or result in the disclosure of information about an individual business. Further, the Department is not required to prepare and submit the report if the report cannot be prepared in a manner which would not disclose or result in the disclosure of information about an individual business. (NRS 271A.105)

Section 6 of this bill additionally requires the report to state: (1) the name and geographic location of the TID; (2) the total amount of money pledged and distributed to the municipality; and (3) the remaining number of payments, and the amount of those payments, on any bonds or notes issued by the municipality. Section 6 requires the Department to report alternate information if the Department determines that reporting the prescribed information for a district which includes

more than one business would disclose or result in the disclosure of proprietary information about an individual business. Section 6 also requires, to the extent possible, the report to provide the information separately for each TID that includes more than one business. Section 7 of this bill makes a conforming change to make an exception to the law that provides that records and files of the Department concerning the administration or collection of any tax, fee, assessment or other amount required by law to be collected are confidential and privileged.

Existing law authorizes under certain circumstances the pledge of certain sales and use tax proceeds by a city, county or town in a county whose population is less than 700,000 (currently all counties other than Clark County) to finance certain projects for the promotion of economic development and tourism in a local improvement district. (NRS 271.650-271.680) Section 14 of this bill eliminates this authority. Sections 1-3, 5 and 8-12 of this bill make conforming changes as a result of the elimination of the authority.

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

Section 1. NRS 271.265 is hereby amended to read as follows:

271.265 1. The governing body of a county, city or town, upon behalf of the municipality and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, within or without the municipality, or both within and without the municipality:

- (a) A curb and gutter project;
- (b) A drainage project;
- (c) An energy efficiency improvement project;
- (d) A neighborhood improvement project;
- (e) An off-street parking project;
- (f) An overpass project;
- (g) A park project;
- (h) A public safety project;
- (i) A renewable energy project;
- (j) A sanitary sewer project;
- (k) A security wall;
- (l) A sidewalk project;
- (m) A storm sewer project;
- (n) A street project;
- (o) A street beautification project;
- (p) A transportation project;
- (q) An underpass project;
- (r) A water project;
- (s) A waterfront project;
- (t) A waterfront maintenance project; and
- (u) Any combination of such projects.

2. In addition to the power specified in subsection 1, the governing body of a city having a commission form of government as defined in NRS 267.010, upon behalf of the municipality and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, within or without the municipality, or both within and without the municipality:

- (a) An electrical project;
- (b) A telephone project;
- (c) A combination of an electrical project and a telephone project;
- (d) A combination of an electrical project or a telephone project with any of the projects, or any combination thereof, specified in subsection 1; and
- (e) A combination of an electrical project and a telephone project with any of the projects, or any combination thereof, specified in subsection 1.

3. In addition to the power specified in subsections 1 and 2, the governing body of a municipality, on behalf of the municipality and in its name, without an election, may finance an underground conversion project with the approval of each service provider that owns the overhead service facilities to be converted.

4. ~~In addition to the power specified in subsections 1, 2 and 3, if the governing body of a municipality in a county whose population is less than 700,000 complies with the provisions of~~

~~NRS 271.650, the governing body of the municipality, on behalf of the municipality and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, within or without the municipality, or both within and without the municipality:~~

~~—(a) An art project; and~~

~~—(b) A tourism and entertainment project.~~

~~—5.}~~ In addition to the power specified in this section, if a qualified project is located within the jurisdiction of the municipality, the governing body of the municipality, on behalf of the municipality and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, within or without the municipality, or both within and without the municipality, an electrical project for the qualified project, a fire protection project for the qualified project or a rail project for the qualified project.

~~{6.}~~ 5. As used in this section, "qualified project" has the meaning ascribed to it in NRS 360.888 or 360.940.

Sec. 2. NRS 271.431 is hereby amended to read as follows:

271.431 As used in NRS 271.431 to 271.434, inclusive, "revenue" means any money pledged wholly or in part for crediting to or payment of assessments, subject to any existing pledges or other contractual limitations and may include:

1. Moneys derived from one, all or any combination of revenue resources appertaining to any facilities of the municipality, financed in whole or in part with the proceeds of assessments levied pursuant to the assessment ordinance, including, but not limited to, use and service charges, rents, fees and any other income derived from the operation or ownership of, from the use or services of, or from the availability of or services appertaining to, the lease of, any sale or other disposal of, any contract or other arrangement, or otherwise derived in connection with such facilities or all or any part of any property appertaining to the facilities.

2. Any loans, grants or contributions to the municipality from the Federal Government, the State or any public body for the payment of all or any portion of the cost of the project for which the assessments were levied.

3. The proceeds of any excise taxes levied and collected by the municipality or otherwise received by it and authorized by law to be pledged for the payment of the project for which the assessments were levied or for the payment of the assessments levied to finance the cost of the project but excluding the proceeds of any general (ad valorem) taxes.

~~{4. Any money pledged pursuant to an assessment ordinance adopted in accordance with NRS 271.650.}~~

Sec. 3. NRS 271.4315 is hereby amended to read as follows:

271.4315 1. The governing body may apply any revenues to the payment of assessments and in so doing may pledge the revenue to such payment. The revenues must be credited in the proportion which each individual assessment or installment of principal bears to the total of all individual assessments in the assessment to which the revenues are to be credited. The application of revenues must be made pursuant to the provisions set forth in the assessment ordinance.

2. If an individual assessment, or any installment of principal and interest has been paid in cash, the credit must be returned in cash to the person or persons paying the same upon their furnishing satisfactory evidence of payment. Where all or any part of an individual assessment remains unpaid and is payable in installments of principal, the credit must be applied to the installment, and if after the payment of the installment there remains an unused portion of the credit, the unused portion must be applied to the payment of interests, and if after the payment of such principal and interest there remains an unused portion of the credit, the unused portion must be {:

~~—(a) Except as otherwise provided in paragraph (b),}~~ applied to the next ensuing installment or installments of principal and interest {; or

~~—(b) If the credit is derived from money pledged pursuant to an assessment ordinance adopted in accordance with NRS 271.650, remitted to the State Controller for distribution in the manner set forth in subsection 2 of NRS 360.850,}~~ until the credit is applied in its entirety.

Sec. 3.5. NRS 271A.050 is hereby amended to read as follows:

271A.050 "Project" means:

1. With respect to a county whose population is 700,000 or more:

(a) An art project, as defined in NRS 271.037; or

(b) A tourism and entertainment project, as defined in NRS 271.234. ~~For or~~
~~—(c) A sports stadium which can be used for the home games of a Major League Baseball or National Football League team and for other purposes, including structures, buildings and other improvements and equipment therefor, parking facilities, and all other appurtenances necessary, useful or desirable for a Major League Baseball or National Football League stadium, including, without limitation, all types of property therefor and immediately adjacent facilities for retail sales, dining and entertainment.]~~

2. With respect to a city in a county whose population is 700,000 or more:

(a) A project described in paragraph (a) ~~for~~ or (b) ~~for (c)]~~ of subsection 1; or

(b) A recreational project, as defined in NRS 268.710.

3. With respect to a municipality other than a municipality described in subsection 1 or 2, any project that the municipality is authorized to acquire, improve, equip, operate and maintain pursuant to subsections 1, 2, 3 and 5 to 10, inclusive, of NRS 244A.057 or NRS 268.730 or 271.265, as applicable.

4. Any real or personal property suitable for retail, tourism or entertainment purposes.

5. Any real or personal property necessary, useful or desirable in connection with any of the projects set forth in this section.

6. Any combination of the projects set forth in this section.

Sec. 4. NRS 271A.070 is hereby amended to read as follows:

271A.070 1. Except as otherwise provided in this section and NRS 271A.080, the governing body of a municipality may:

(a) Create a tourism improvement district for the purposes of carrying out this chapter and revise the boundaries of the district by adopting an ordinance describing the boundaries of the district and generally describing the types of projects which may be financed within the district pursuant to this chapter.

(b) Without any election, acquire, improve, equip, operate and maintain a project within a district created pursuant to paragraph (a). The project may be owned by the municipality, another governmental entity, any other person, or any combination thereof.

(c) For the purposes of carrying out paragraph (b), include in an ordinance adopted pursuant to paragraph (a) the pledge of a single percentage specified in the ordinance, which must not exceed 75 percent, of:

(1) An amount equal to the proceeds of the taxes imposed pursuant to NRS 372.105 and 372.185 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the district during a fiscal year, after the deduction of a sum equal to 1.75 percent of the amount of those proceeds;

(2) The amount of the proceeds of the taxes imposed pursuant to NRS 374.110 and 374.190 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the district during a fiscal year, after the deduction of 0.75 percent of the amount of those proceeds; and

(3) The amount of the proceeds of the tax imposed pursuant to NRS 377.030 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the improvement district during a fiscal year, after the deduction of 1.75 percent of the amount of those proceeds.

2. The governing body of a municipality may not include in an ordinance adopted to create or revise the boundaries of a district pursuant to paragraph (a) of subsection 1 on or after July 1, 2013, the pledge of any proceeds described in subparagraph (2) of paragraph (c) of subsection 1. The provisions of this subsection do not apply to the governing body of a municipality with respect to any district created before July 1, 2013, if the governing body obtains an opinion from independent bond counsel stating that the applicability of this provision would impair an existing contract for the sale of bonds which were issued before July 1, 2013.

3. A district created pursuant to this section by:

(a) A city must be located entirely within the boundaries of that city.

(b) A county must be located entirely within the boundaries of that county and, when the district is created, entirely outside of the boundaries of any city.

4. If any property within the boundaries of a district is also included within the boundaries of any other tourism improvement district, ~~for any improvement district for which any money has~~

been pledged pursuant to NRS 271.650,] the total amount of money pledged pursuant to this section [and NRS 271.650] with respect to such property by all such districts must not exceed the amount authorized pursuant to this section.

5. If the governing body of a municipality creates a tourism improvement district:

(a) On or before October 1, 2009, that includes within its boundaries any property included within the boundaries of a redevelopment area established pursuant to chapter 279 of NRS, the governing body and agency may provide financing or reimbursement related to a project or redevelopment project pursuant to the provisions of both NRS 271A.120 and 279.610 to 279.685, inclusive.

(b) After October 1, 2009, that includes within its boundaries any property included within the boundaries of a redevelopment area established pursuant to chapter 279 of NRS, the governing body and an agency:

(1) May provide financing or reimbursement related to a project or redevelopment project pursuant to the provisions of NRS 271A.120 or 279.610 to 279.685, inclusive, whichever is applicable.

(2) Shall not provide such financing or reimbursement related to the project or redevelopment project pursuant to the provisions of both NRS 271A.120 and 279.610 to 279.685, inclusive.

6. *A governing body of a municipality in a county whose population is less than 700,000 may not create a tourism improvement district on or after July 1, 2021.*

7. As used in this section:

(a) "Agency" has the meaning ascribed to it in NRS 279.386.

(b) "Redevelopment project" has the meaning ascribed to it in NRS 279.412.

Sec. 5. NRS 271A.080 is hereby amended to read as follows:

271A.080 The governing body of a municipality shall not adopt an ordinance pursuant to NRS 271A.070 unless:

1. If the ordinance:

(a) Creates a district, the governing body has determined that no retailers will have maintained or will be maintaining a fixed place of business within the district on or within the 120 days immediately preceding the date of the adoption of the ordinance; or

(b) Amends the boundaries of the district to add any additional area, the governing body has determined that no retailers will have maintained or will be maintaining a fixed place of business within that area on or within 120 days immediately preceding the date of the adoption of the ordinance.

2. The governing body has made a written finding at a public hearing that the project will benefit the district.

3. The governing body has made a written finding at a public hearing, based upon reports from independent consultants which were addressed to the governing body and to the board of county commissioners, if the governing body is not the board of county commissioners for the county in which the tourism improvement district is or will be located, as to whether the project and the financing thereof pursuant to this chapter will have a positive fiscal effect on the provision of local governmental services, after considering:

(a) The amount of the proceeds of all taxes and other governmental revenue projected to be received as a result of the properties and businesses expected to be located in the district;

(b) The use of any money proposed to be pledged pursuant to NRS 271A.070;

(c) Any increase in costs for the provision of local governmental services, including, without limitation, services for education, including operational and capital costs, and services for police protection and fire protection, as a result of the project and the development of land within the district; and

(d) Estimates of any increases in the proceeds from sales and use taxes collected by retailers located outside of the district and of any displacement of the proceeds from sales and use taxes collected by those retailers, as a result of the properties and businesses expected to be located in the district.

☛ The reports required from independent consultants pursuant to this subsection must be obtained from independent consultants selected by the governing body from a list of independent consultants provided by the Commission on Tourism. For the purposes of this subsection, the

Commission shall, upon the request of a governing body, provide the governing body with a list of at least three qualified independent consultants, each of whom must be located outside of this State.

4. If the governing body is not the board of county commissioners for the county in which the tourism improvement district is or will be located, the governing body has, at least 45 days before making the written finding required by subsection 3, provided to the board of county commissioners in the county in which the tourism improvement district is or will be located:

(a) Written notice of the time and place of the meeting at which the governing body will consider making that written finding; and

(b) Each analysis prepared by or for or presented to the governing body regarding the fiscal effect of the project and the use of any money proposed to be pledged pursuant to NRS 271A.070 on the provision of local governmental services.

➤ After the receipt of the notice required by this subsection and before the date of the meeting at which the governing body will consider making the written finding required by subsection 3, the board of county commissioners may conduct a hearing regarding the fiscal effect on local governmental services, if any, of the project and the use of any money proposed to be pledged pursuant to NRS 271A.070, and may submit to the governing body of the municipality any comments regarding that fiscal effect. The governing body may consider those comments when making any written finding pursuant to subsection 3 and shall consider those comments when considering the terms of any agreement pursuant to NRS 271A.110.

5. The governing body has determined, at a public hearing conducted at least 15 days after providing notice of the hearing by publication, that:

(a) As a result of the project:

(1) Retailers will locate their businesses as such in the district; and

(2) There will be a substantial increase in the proceeds from sales and use taxes remitted by retailers with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the district; and

(b) A preponderance of that increase in the proceeds from sales and use taxes will be attributable to transactions with tourists who are not residents of this State.

6. The Commission on Tourism has determined, at a public hearing conducted at least 15 days after providing notice of the hearing by publication, that a preponderance of the increase in the proceeds from sales and use taxes identified pursuant to subsection 5 will be attributable to transactions with tourists who are not residents of this State.

7. If any property within the boundaries of the district is also included within the boundaries of any other tourism improvement district, ~~for any improvement district for which any money has been pledged pursuant to NRS 271.650,~~ all of the governing bodies which created those districts have entered into an interlocal agreement providing for:

(a) The apportionment of any money pledged pursuant to NRS ~~[271.650 and]~~ 271A.070 with respect to such property; and

(b) The priority of the application of that money between ~~[-~~

~~— (1) Bonds issued pursuant to chapter 271 of NRS; and~~

~~— (2) Bonds} bonds and notes issued, and agreements entered into, pursuant to NRS 271A.120.~~

~~[- ➤] Any such agreement for the priority of the application of that money may be made irrevocable [during the term of any bonds issued pursuant to chapter 271 of NRS to which all or any portion of that money is pledged, or] during the term of any bonds or notes issued or any agreements entered into pursuant to NRS 271A.120 to which all or any portion of that money is pledged.~~

Sec. 6. NRS 271A.105 is hereby amended to read as follows:

271A.105 1. On or before September 1 of each year, the governing body of a municipality that creates a district before, on or after July 1, 2011, shall prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, an annual report containing:

(a) A statement of the status of each project located or expected to be located in the district, and of any changes in that status since the last annual report.

(b) An assessment of the financial impact of the district on the provision of local governmental services, including, without limitation, services for police protection and fire protection.

2. If the governing body of a municipality creates a district before, on or after July 1, 2011, the Department of Taxation shall ~~[-~~

~~—(a) On~~ on or before April 1 and October 1 of each year, except as otherwise provided in ~~[subsection 3,]~~ subsections 3 and 5, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, and to the governing body of the municipality a semiannual report which states ~~[-~~

~~—(1)}~~ the name and geographic location of the district and:

(a) The amount of revenue from the taxable sales made each month by the businesses within the district;

~~{(2)}~~ (b) To the extent that the pertinent information is available, the portion of that revenue which is attributable to persons who are not residents of this State;

~~{(3)}~~ (c) The total amount of money pledged pursuant to NRS 271A.070 and distributed to the municipality;

(d) The remaining number of payments, and the amounts of those payments, on any bonds or notes issued by the municipality pursuant to NRS 271A.120;

(e) The amount of the wages paid each month by the businesses within the district; and

~~{(4)}~~ (f) The number of full-time and part-time employees employed each month by the businesses within the district.

✎ The report must provide the information separately for each district in the municipality unless reporting the information separately would disclose or result in the disclosure of *proprietary* information about an individual business, in which case ~~[the report must provide]~~ the information may be provided in the aggregate ~~[-(b) Require each]~~ for two or more districts in the municipality in a manner that does not result in the disclosure of *proprietary* information about an individual business. To the extent possible, the report must provide the information separately for each district which includes more than one business.

3. Except as otherwise provided in subsection 5, if the Department of Taxation determines that reporting the information set forth in paragraphs (a) to (f), inclusive, of subsection 2 for a district that includes more than one business would disclose or result in the disclosure of *proprietary* information about an individual business, the Department shall provide the following information for that district:

(a) The taxable sales and the amount of money pledged pursuant to NRS 271A.070 from the taxable sales in a manner that reports the number of businesses, taxable sales and pledged money in ranges of taxable sales and does not result in the disclosure of *proprietary* information about individual businesses in the district;

(b) The number of businesses in the district;

(c) The amount of revenue from taxable sales made each month in the district; and

(d) The amount of money pledged pursuant to NRS 271A.070 and distributed to the municipality.

4. Each business within the district ~~to~~ shall report to the Department of Taxation, at such times as the Department may specify on a form provided by the Department, such information as the Department determines to be necessary to carry out the provisions of ~~[paragraph (a)]~~ subsections 2 and 3.

~~{3-}~~ 5. The Department of Taxation is not required to prepare and submit a report pursuant to ~~[paragraph (a) of]~~ subsection 2 if the report cannot be prepared in a manner which would not disclose or result in the disclosure of *proprietary* information about an individual business.

~~{4-}~~ 6. As used in this section, "taxable sales" means any sales that are taxable pursuant to chapter 372 of NRS.

Sec. 7. NRS 360.255 is hereby amended to read as follows:

360.255 1. Except as otherwise provided in this section and NRS 239.0115, 271A.105 and 360.250, the records and files of the Department concerning the administration or collection of any tax, fee, assessment or other amount required by law to be collected or the imposition of disciplinary action are confidential and privileged. The Department, an employee of the Department and any other person engaged in the administration or collection of any tax, fee, assessment or other amount required by law to be collected or the imposition of disciplinary action or charged with the custody of any such records or files:

- (a) Shall not disclose any information obtained from those records or files; and
- (b) May not be required to produce any of the records or files for the inspection of any person or governmental entity or for use in any action or proceeding.

2. The records and files of the Department concerning the administration and collection of any tax, fee, assessment or other amount required by law to be collected or the imposition of disciplinary action are not confidential and privileged in the following cases:

(a) Testimony by a member or employee of the Department and production of records, files and information on behalf of the Department or a person in any action or proceeding before the Nevada Tax Commission, the State Board of Equalization, the Department, a grand jury or any court in this State if that testimony or the records, files or information, or the facts shown thereby, are directly involved in the action or proceeding.

(b) Delivery to a person or his or her authorized representative of a copy of any document filed by the person pursuant to the provisions of any law of this State.

(c) Publication of statistics so classified as to prevent the identification of a particular business or document.

(d) Exchanges of information with the Internal Revenue Service in accordance with compacts made and provided for in such cases, or disclosure to any federal agency, state or local law enforcement agency, including, without limitation, the Cannabis Compliance Board, or local regulatory agency that requests the information for the use of the agency in a federal, state or local prosecution or criminal, civil or regulatory investigation.

(e) Disclosure in confidence to the Governor or his or her agent in the exercise of the Governor's general supervisory powers, or to any person authorized to audit the accounts of the Department in pursuance of an audit, or to the Attorney General or other legal representative of the State in connection with an action or proceeding relating to a taxpayer or licensee, or to any agency of this or any other state charged with the administration or enforcement of laws relating to workers' compensation, unemployment compensation, public assistance, taxation, labor or gaming.

(f) Exchanges of information pursuant to an agreement between the Nevada Tax Commission and any county fair and recreation board or the governing body of any county, city or town.

(g) Upon written request made by a public officer of a local government, disclosure of the name and address of a taxpayer or licensee who must file a return with the Department. The request must set forth the social security number of the taxpayer or licensee about which the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and privileged and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Executive Director may charge a reasonable fee for the cost of providing the requested information.

(h) Disclosure of information as to amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties to successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested.

(i) Disclosure of relevant information as evidence in an appeal by the taxpayer from a determination of tax due if the Nevada Tax Commission has determined the information is not proprietary or confidential in a hearing conducted pursuant to NRS 360.247.

(j) Disclosure of the identity of a person and the amount of tax assessed and penalties imposed against the person at any time after a determination, decision or order of the Executive Director or other officer of the Department imposing upon the person a penalty for fraud or intent to evade a tax imposed by law becomes final or is affirmed by the Nevada Tax Commission.

(k) Disclosure of the identity of a licensee against whom disciplinary action has been taken and the type of disciplinary action imposed against the licensee at any time after a determination, decision or order of the Executive Director or other officer of the Department imposing upon the licensee disciplinary action becomes final or is affirmed by the Nevada Tax Commission.

(l) Disclosure of information pursuant to subsection 2 of NRS 370.257.

(m) With respect to an application for a registration certificate to operate a medical marijuana establishment pursuant to chapter 453A of NRS, as that chapter existed on June 30, 2020, or a

license to operate a marijuana establishment pursuant to chapter 453D of NRS, as that chapter existed on June 30, 2020, which was submitted on or after May 1, 2017, and on or before June 30, 2020, and regardless of whether the application was ultimately approved, disclosure of the following information:

(1) The identity of an applicant, including, without limitation, any owner, officer or board member of an applicant;

(2) The contents of any tool used by the Department to evaluate an applicant;

(3) The methodology used by the Department to score and rank applicants and any documentation or other evidence showing how that methodology was applied; and

(4) The final ranking and scores of an applicant, including, without limitation, the score assigned to each criterion in the application that composes a part of the total score of an applicant.

(n) Disclosure of the name of a licensee and the jurisdiction of that licensee pursuant to chapter 453A or 453D of NRS, as those chapters existed on June 30, 2020, and any regulations adopted pursuant thereto.

3. The Executive Director shall periodically, as he or she deems appropriate, but not less often than annually, transmit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry a list of the businesses of which the Executive Director has a record. The list must include the mailing address of the business as reported to the Department.

4. The Executive Director may request from any other governmental agency or officer such information as the Executive Director deems necessary to carry out his or her duties with respect to the administration or collection of any tax, fee, assessment or other amount required by law to be collected or the imposition of disciplinary action. If the Executive Director obtains any confidential information pursuant to such a request, he or she shall maintain the confidentiality of that information in the same manner and to the same extent as provided by law for the agency or officer from whom the information was obtained.

5. As used in this section:

(a) "Applicant" means any person listed on the application for a registration certificate to operate a medical marijuana establishment pursuant to chapter 453A of NRS, as that chapter existed on June 30, 2020, or a license to operate a marijuana establishment pursuant to chapter 453D of NRS, as that chapter existed on June 30, 2020.

(b) "Disciplinary action" means any suspension or revocation of a license, registration, permit or certificate issued by the Department pursuant to this title or chapter 453A or 453D of NRS, as those chapters existed on June 30, 2020, or any other disciplinary action against the holder of such a license, registration, permit or certificate.

(c) "Licensee" means a person to whom the Department has issued a license, registration, permit or certificate pursuant to this title or chapter 453A or 453D of NRS, as those chapters existed on June 30, 2020. The term includes, without limitation, any owner, officer or board member of an entity to whom the Department has issued a license.

(d) "Records" or "files" means any records and files related to an investigation or audit or a disciplinary action, financial information, correspondence, advisory opinions, decisions of a hearing officer in an administrative hearing and any other information specifically related to a taxpayer or licensee.

(e) "Taxpayer" means a person who pays any tax, fee, assessment or other amount required by law to the Department.

Sec. 8. NRS 374.785 is hereby amended to read as follows:

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

2. The Department shall deposit the payments in the State Treasury to the credit of the Sales and Use Tax Account in the State General Fund.

3. The State Controller, acting upon the collection data furnished by the Department, shall, each month, from the Sales and Use Tax Account in the State General Fund:

(a) Transfer .75 percent of all fees, taxes, interest and penalties collected in each county during the preceding month to the appropriate account in the State General Fund as compensation to the State for the costs of collecting the tax.

(b) Transfer .75 percent of all fees, taxes, interest and penalties collected during the preceding month from out-of-state businesses not maintaining a fixed place of business within this State to the appropriate account in the State General Fund as compensation to the State for the costs of collecting the tax.

(c) Transfer the total amount of fees, taxes, interest and penalties collected pursuant to this chapter during the preceding month, less the amount transferred pursuant to paragraphs (a) and (b) and excluding any ~~{amounts}~~ amount required to be remitted pursuant to NRS ~~{360.850 and}~~ 360.855, to the State Education Fund.

Sec. 9. NRS 377.050 is hereby amended to read as follows:

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

2. The Department shall deposit the payments with the State Treasurer for credit to the Sales and Use Tax Account in the State General Fund.

3. The State Controller, acting upon the collection data furnished by the Department, shall, before making the distributions required by NRS ~~{360.850,}~~ 360.855, 377.055 and 377.057, monthly transfer from the Sales and Use Tax Account 1.75 percent of all fees, taxes, interests and penalties collected pursuant to this chapter during the preceding month to the appropriate account in the State General Fund as compensation to the State for the cost of collecting the tax.

Sec. 10. NRS 377.055 is hereby amended to read as follows:

377.055 The Department shall monthly determine for each county an amount of money equal to the sum of:

1. Any fees and any taxes, interest and penalties which derive from the basic city-county relief tax collected in that county pursuant to this chapter during the preceding month, less the corresponding amount transferred to the State General Fund pursuant to subsection 3 of NRS 377.050; and

2. That proportion of the total amount of taxes which derive from that portion of the tax levied at the rate of one-half of 1 percent collected pursuant to this chapter during the preceding month from out-of-state businesses not maintaining a fixed place of business within this State, less the corresponding amount transferred to the State General Fund pursuant to subsection 3 of NRS 377.050, which the population of that county bears to the total population of all counties which have in effect a city-county relief tax ordinance,

➤ and, except as otherwise required to carry out NRS ~~{360.850 and}~~ 360.855, deposit the money in the Local Government Tax Distribution Account created by NRS 360.660 for credit to the respective subaccounts of each county.

Sec. 11. NRS 377.057 is hereby amended to read as follows:

377.057 1. The State Controller, acting upon the relevant information furnished by the Department, shall distribute monthly from the fees, taxes, interest and penalties which derive from the supplemental city-county relief tax collected in all counties and from out-of-state businesses during the preceding month, excluding any ~~{amounts}~~ amount required to be remitted pursuant to NRS ~~{360.850 and}~~ 360.855 and except as otherwise provided in subsection 2, to:

(a) Douglas, Esmeralda, Eureka, Lander, Lincoln, Lyon, Mineral, Nye, Pershing, Storey and White Pine counties, an amount equal to one-twelfth of the amount distributed in the immediately preceding fiscal year multiplied by one plus:

(1) The percentage change in the total receipts from the supplemental city-county relief tax for all counties and from out-of-state businesses, from the fiscal year 2 years preceding the immediately preceding fiscal year to the fiscal year preceding the immediately preceding fiscal year; or

(2) Except as otherwise provided in this paragraph, the percentage change in the population of the county, as certified by the Governor pursuant to NRS 360.285, added to the percentage change in the Consumer Price Index for the year ending on December 31 next preceding the year of distribution,

➤ whichever is less, except that the amount distributed to the county must not be less than the amount specified in subsection 5. If the Bureau of the Census of the United States Department of Commerce issues population totals that conflict with the totals certified by the Governor pursuant to NRS 360.285, the percentage change calculated pursuant to subparagraph (2) for the ensuing

fiscal year must be an estimate of the change in population for the calendar year, based upon the population totals issued by the Bureau of the Census.

(b) All other counties, the amount remaining after making the distributions required by paragraph (a) to each of these counties in the proportion that the amount of supplemental city-county relief tax collected in the county for the month bears to the total amount of supplemental city-county relief tax collected for that month in the counties whose distribution will be determined pursuant to this paragraph.

2. If the amount of supplemental city-county relief tax collected in a county listed in paragraph (a) of subsection 1 for the 12 most recent months for which information concerning the actual amount collected is available on February 15 of any year exceeds by more than 10 percent the amount distributed pursuant to paragraph (a) of subsection 1 to that county for the same period, the State Controller shall distribute that county's portion of the proceeds from the supplemental city-county relief tax pursuant to paragraph (b) of subsection 1 in all subsequent fiscal years, unless a waiver is granted pursuant to subsection 3.

3. A county which, pursuant to subsection 2, is required to have its portion of the proceeds from the supplemental city-county relief tax distributed pursuant to paragraph (b) of subsection 1 may file a request with the Nevada Tax Commission for a waiver of the requirements of subsection 2. The request must be filed on or before February 20 next preceding the fiscal year for which the county will first receive its portion of the proceeds from the supplemental city-county relief tax pursuant to paragraph (b) of subsection 1 and must be accompanied by evidence which supports the granting of the waiver. The Commission shall grant or deny a request for a waiver on or before March 10 next following the timely filing of the request. If the Commission determines that the increase in the amount of supplemental city-county relief tax collected in the county was primarily caused by:

(a) Nonrecurring taxable sales, it shall grant the request.

(b) Normal or sustainable growth in taxable sales, it shall deny the request.

➤ A county which is granted a waiver pursuant to this subsection is not required to obtain a waiver in any subsequent fiscal year to continue to receive its portion of the proceeds from the supplemental city-county relief tax pursuant to paragraph (a) of subsection 1 unless the amount of supplemental city-county relief tax collected in the county in a fiscal year again exceeds the threshold established in subsection 2.

4. The amount apportioned to each county must be deposited in the Local Government Tax Distribution Account created by NRS 360.660 for credit to the respective accounts of each county.

5. The minimum amount which may be distributed to the following counties in a month pursuant to paragraph (a) of subsection 1 is as follows:

Douglas.....	\$580,993
Esmeralda	53,093
Lander	155,106
Lincoln.....	72,973
Lyon.....	356,858
Mineral.....	118,299
Nye	296,609
Pershing	96,731
Storey.....	69,914
White Pine	158,863

6. As used in this section, unless the context otherwise requires:

(a) "Enterprise district" has the meaning ascribed to it in NRS 360.620.

(b) "Local government" has the meaning ascribed to it in NRS 360.640.

(c) "Special district" has the meaning ascribed to it in NRS 360.650.

Sec. 12. NRS 387.1212 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

~~{(k)} (j) The proceeds of the tax imposed pursuant to subsection 3 of NRS 372A.290;~~

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

~~{(m)} (l) The money identified in paragraph (b) of subsection 3 of NRS 678B.390;~~

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

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

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

~~{(q)} (p) The portion of the net profits of the grantee of a franchise identified in NRS 709.230;~~

~~{(r)} (q) The portion of the net profits of the grantee of a franchise identified in NRS 709.270;~~
and

~~{(s)} (r) The direct legislative appropriation from the State General Fund required by subsection 3.~~

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

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

5. The Superintendent of Public Instruction may create one or more accounts in the State Education Fund for the purpose of administering any money received from the Federal Government for the support of education and any State money required to be administered separately to satisfy any requirement imposed by the Federal Government. The money in any such account must not be considered when calculating the statewide base per pupil funding amount or appropriating money from the State Education Fund pursuant to NRS 387.1214. The interest and income earned on the money in any such account, after deducting any applicable charges, must be credited to the account.

Sec. 13. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 14. NRS 271.650, 271.660, 271.670, 271.680 and 360.850 are hereby repealed.

Sec. 15. This act becomes effective on July 1, 2021.

LEADLINES OF REPEALED SECTIONS

271.650 Pledge of sales or use tax proceeds in assessment ordinance for project in certain counties: Amount; required determinations; interlocal agreements; conclusiveness of determinations.

271.660 Agreement with Department of Taxation regarding distribution of pledged amounts.

271.670 Agreement with owner of property interest in district to defray cost of local governmental services during term of pledge: Contents; determination by governing body of municipality; notice to and hearing by board of trustees of school district; conclusiveness of governing body's determination.

271.680 Limitations on issuance of bonds.

360.850 Distribution of money pledged pursuant to NRS 271.650; distribution and use of excess amounts; adoption of regulations by Nevada Tax Commission for collection and distribution of pledged money.

DINA NEAL

DALLAS HARRIS

IRA HANSEN

Senate Conference Committee

TERESA BENITEZ-THOMPSON

MAGGIE CARLTON

ANDY MATTHEWS

Assembly Conference Committee

Senator Scheible moved that the Senate adopt the report of the Conference Committee concerning Assembly Bill No. 368.

Motion carried by a constitutional majority

Madam President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 11:12 p.m.

SENATE IN SESSION

At 11:18 p.m.

President Marshall presiding.

Quorum present.

REMARKS FROM THE FLOOR

Senator Cannizzaro requested that her remarks be entered in the Journal.

I want to quickly acknowledge someone and say "thank you." She has been the better guiding light when I have needed it. Four years ago, when I entered this building, I was grateful to enter with another Legislator from Senate District 13 who has demonstrated to the Body exactly what Legislators should be and who has been not only a remarkable leader but also a wonderful friend and companion, more so than I would have ever imagined when we walked into the Senate as freshman and thought that we were going to conquer the world together. In some ways, we have. I want to acknowledge someone who believes in making the world a better place and has done just that for countless Nevadans while we have served together.

While the people of this State continue to benefit from the thoughtfulness, dedication and perseverance with which she pursues policy, we, too, have benefited from the poise, humility and true leadership of our Assistant Majority Leader, the Senator from District 13. She was born in Reno, Nevada, and attended Edward C. Reid High School and graduated from UNR with a bachelor's degree in photography and a minor in journalism. She later earned a master's degree in nonprofit management at the University of San Francisco. Her professional experience is among the most varied I have seen, working with nonprofit organizations, governmental entities and for-profit businesses. The clear thread throughout her tenure, both in public and private sectors, is the desire to improve the community around her. This desire is evident in her early career at Partners in Education where she worked to uplift children by building community partnerships and in her time as Executive Director at the Gang Alternative Partnership. It is evident in her role as CEO of the Girl Scouts of Sierra Nevada and as a strategic leadership strategist for the Girl Scouts of USA where she helps strengthen Girl Scout Councils across the Nation. Her commitment to community progress is apparent in her work as a small business owner providing management solutions to nonprofit and governmental organizations for more than a decade. I would venture to say her experience helping these entities with strategic planning, capacity building and group facilitation has also served this institution very well. A true public servant from 2008-2016, she

represented Ward 1 on the Sparks City Council and served on the Washoe County Board of Health, the Sparks Redevelopment Agency and the Oversight Panel for Washoe County School facilities, among other policy and advisory groups. Following the passing of our esteemed colleague, former Senator Debbie Smith, my colleague from Senate District 13 was unanimously appointed by the Washoe County Board of County Commissioners to represent Senate District 13. It is one of the best decisions they have ever made.

This Body has benefited from her leadership as chair of various interim committees and studies, including one regarding affordable housing where we developed policy work that led to good decisions and actual policy that made a difference. She has served as Chair of Revenue and Economic Development and Health and Human Services. She has been the Co-Majority Whip from November 2018 through March 2019. Since March of 2019, she has embarked upon this journey with me as Senate Assistant Majority Leader. She is actively involved in the fiscal side of policy making, a fierce advocate for finding creative approaches to maintain or increase funding for the services upon which vulnerable Nevadans depend. Those people do not have a voice unless people like my friend are advocating for them. She is not one to shy away from challenging policy proposals if they have the potential to improve lives. Her legislative efforts have largely focused on enhancing the social safety net for Nevadans in just three regular Sessions and three Special Sessions. She has done so much it is difficult to reiterate exactly what it is. If I went through all of it, she might start tapping on this little piece of plastic again.

On a personal level, I appreciate her flexibility and willingness to jump in as Assistant Majority Leader on Day 31 of the 80th Session. Her enthusiasm and capacity for carrying complex legislation, she is the first to offer assistance and is always there to talk through and help solve problems whether intricate policy issues or personal challenges. I am hopeful this summer and fall will bring more hiking and camping adventures in the great outdoors with her husband, James, and rescue dog, Gus, to finally getting back to restoring the Airstream trailer they started working on five years ago and relaxing to the tunes of James' guitar while enjoying a glass of their homemade Limoncello. I could not pass up the opportunity, as much as she desperately tries to keep me on track, to acknowledge someone who I hope I can grow up to be.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 24.

The following Assembly Amendment was read.

Amendment No. 852.

SUMMARY—Revises provisions relating to workforce development. (BDR 18-289)

AN ACT relating to workforce development; revising requirements governing the approval of a program of workforce development by the Office of Economic Development; revising provisions governing the distribution and use of money provided by the Office to defray the cost of certain programs of workforce development; ~~revising provisions governing the Workforce Innovations for a New Nevada Account;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Office of Economic Development to develop and implement one or more programs to provide customized workforce development services to persons that create and expand businesses in Nevada and relocate businesses to Nevada. (NRS 231.055)

Existing law authorizes a person who wishes to provide a program of workforce recruitment, assessment and training to apply to the Office for approval of the program. (NRS 231.1467) Section 1 of this bill revises the

information which must be included in an application for approval to provide a program of workforce recruitment, assessment and training. Section 1 also: (1) requires a program of workforce recruitment, assessment and training approved by the Office to result in certain credentials or an identifiable occupational skill; (2) requires the Office to ensure that any business for which the program will be provided meets certain requirements; (3) revises the criteria which the Office must consider in giving priority to approved providers of programs of workforce recruitment, assessment and training for receipt of allocations, grants or loans of money from the Office to defray the cost of the program; and (4) revises provisions governing the use of money distributed to defray the cost of a program of workforce recruitment, assessment and training.

Existing law authorizes a person who operates a business, or who will operate a business, in this State to apply to the Office for approval of a program of workforce training. (NRS 231.147) Section 3 of this bill specifies that such a program must be a program for the training of incumbent employees of the business that will result in certain credentials or identifiable occupational skills being obtained by the incumbent employees. Section 3 also revises the information which must be included in an application for approval of such a program.

~~[Existing law creates the Workforce Innovations for a New Nevada Account and provides that money in the Account must be used to carry out certain programs of workforce development. The balance remaining in the Account that has not been committed for expenditure at the end of an odd-numbered fiscal year reverts to the State General Fund. (NRS 231.151) Section 4 of this bill provides that any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund and must be carried forward to the next fiscal year.]~~

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

Section 1. NRS 231.1467 is hereby amended to read as follows:

231.1467 1. A person who wishes to provide a program of workforce recruitment, assessment and training may apply to the Office for approval of the program. The application must be submitted on a form prescribed by the Office.

2. Each application must include:

(a) The name, address , *electronic mail address* and telephone number of the applicant;

(b) The name of each business for which the applicant will provide the proposed program of workforce recruitment, assessment and training;

(c) A statement of the objectives of the proposed program of workforce recruitment, assessment and training;

(d) *A description of the primary economic sector to be served by the proposed program of workforce recruitment, assessment and training;*

(e) Evidence of workforce shortages within the industry to be served by the proposed program of workforce recruitment, assessment and training;

(f) Evidence that there is an insufficient number of existing programs to develop the workforce needed for the industry to be served by the proposed program of workforce recruitment, assessment and training;

(g) A statement of the number and types of jobs with the business for which the applicant will provide the proposed program of workforce recruitment, assessment and training, that are available or will be available upon completion of the proposed program;

(h) A statement demonstrating the past performance of the applicant in providing programs of workforce development, including, without limitation:

(1) The number and type of credentials and certifications issued by programs of workforce development provided by the applicant; and

(2) The number of businesses successfully served by the programs of workforce development provided by the applicant;

(i) A proposed plan for the provision of the proposed program of workforce recruitment, assessment and training on a statewide basis;

(j) A list of facilities that will be used by the proposed program of workforce recruitment, assessment and training;

(k) A projection of the number of primary jobs that will be served by the proposed program of workforce recruitment, assessment and training and the wages for those jobs;

(l) Evidence satisfactory to the Office that the proposed program of workforce recruitment, assessment and training is consistent with the unified state plan submitted by the Governor to the Secretary of Labor pursuant to 29 U.S.C. § 3112;

(m) A workforce diversity action plan; ~~and~~

~~—(e)—~~ (n) The estimated cost of the proposed program of workforce recruitment, assessment and training ~~[-]~~ ;

(o) A statement by the business for which the applicant will provide the proposed program of workforce recruitment, assessment and training, which commits the business to report to the Office required performance metrics to enable the Office to comply with NRS 231.1513;

(p) A report from each business for which the applicant will provide the proposed program of workforce recruitment, assessment and training, which sets forth the basis for any furloughs or layoffs conducted by the business in the 12 months immediately preceding the date of the application for the job categories related to the proposed program of workforce recruitment, assessment and training; and

(q) Any other information requested by the Executive Director.

3. Any program of workforce recruitment, assessment and training approved by the Office pursuant to this section must:

(a) Include a workforce diversity action plan approved by the Office; ~~and~~

(b) To the extent practicable, be provided on a statewide basis to support the industrial and economic development of all geographic areas of this State ~~[-]~~; and

(c) *Result in a postsecondary or industry-recognized credential, or an identifiable occupational skill that meets the applicable industry standard.*

4. The Office shall:

(a) Maintain on the Internet website of the Office a list of the criteria for evaluating applications for approval of a program of workforce recruitment, assessment and training;

(b) *Ensure, through coordination with relevant state agencies and by reviewing any notices required pursuant to the federal Worker Adjustment and Retraining Notification Act, 29 U.S.C. §§ 2101 et. seq., and the regulations adopted pursuant thereto, that each business for which an applicant that submitted an application pursuant to this section will provide a program of workforce recruitment, assessment and training:*

(1) *Is in compliance with the laws of this State pertaining to the conduct of businesses and employers;*

(2) *Is not excluded from receiving contracts from the Federal Government as a result of being debarred; and*

(3) *Has included in the report submitted pursuant to paragraph (p) of subsection 2 the basis for each furlough or layoff conducted in the 12 months immediately preceding the date of the application for the job categories related to the proposed program of workforce recruitment, assessment and training;*

(c) Approve or disapprove each application for approval of a program of workforce recruitment, assessment and training within 60 days after receiving a complete application; and

~~[(c)]~~ (d) Provide notice of the approval or disapproval of each application to the applicant within 10 days after approving or disapproving the application.

5. An authorized provider that provides a program of workforce recruitment, assessment and training approved by the Office pursuant to this section or the governing body of a local government within the jurisdiction of which the authorized provider will provide the program may apply to the Office for an allocation, grant or loan of money to defray in whole or in part the cost of the program. The application must be submitted on a form prescribed by the Office.

6. The Office shall approve or deny each application for an allocation, grant or loan of money submitted pursuant to subsection 5 within 45 days after receipt of the application. When considering an application, the Office shall give priority to a program of workforce recruitment, assessment and training that will provide workforce development services to one or more businesses that:

(a) Provide high-skill and high-wage jobs to residents of this State ~~[-]~~, as defined by the Board of Economic Development;

(b) *Provide postsecondary or industry-recognized credentials or identifiable skills meeting the applicable industry standard, which are not otherwise offered or not otherwise offered at scale in this State;*

(c) *Impart a course of study for not more than 12 months that delivers skills that are needed in the workforce;*

(d) *To the greatest extent practicable, use materials that are produced or bought in this State;*

~~[(e)]~~ (e) *Are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053; and*

~~[(d)]~~ (f) *Are consistent with the unified state plan submitted by the Governor to the Secretary of Labor pursuant to 29 U.S.C. § 3112.*

7. An authorized provider may use money distributed pursuant to this section:

(a) *To provide ~~technical services to a business that participates in the program of workforce recruitment, assessment and training;~~ curriculum development and instructional services;*

(b) *To pay for equipment or technology necessary to conduct the training;*

(c) *To pay training fees or tuition for the program of workforce recruitment, assessment and training, which are not otherwise covered by the program budget or other workforce development funding;*

(d) *To ~~provide publicity for~~ promote the program of workforce recruitment, assessment and training and for job recruiting and assessments conducted through the program;*

~~[(e)]~~ *To provide instructional services;*

~~[(d)]~~ (e) *To provide analysis of on-site training;*

~~[(e)]~~ (f) *To pay any costs relating to the rental of instructional facilities, including, without limitation, utilities and costs relating to the storage and transportation of equipment and supplies;*

~~[(f)]~~ (g) *To pay administrative and personnel costs ~~[-]~~, except that not more than 10 percent of the money distributed pursuant to this section is used for such purposes; and*

~~[(g)]~~ (h) *To pay any other costs , not including administrative and personnel costs, necessary to effectively carry out the program of workforce recruitment, assessment and training.*

8. *Equipment purchased with money distributed as a grant pursuant to this section is the property of the Office. At the end of the grant period, the Office may recapture the equipment for redistribution to other programs of workforce recruitment, assessment and training provided by an authorized provider.*

9. A ~~person who operates a business or will operate a~~ business in this State may apply to the Office to participate in ~~an~~ *an approved* program of workforce recruitment, assessment and training provided by an authorized provider. The application must be submitted on a form prescribed by the Office and must include, without limitation:

(a) *The name, address and telephone number of the business;*

(b) Proof satisfactory to the Office that the business is consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053;

(c) A description of the number and types of jobs that the business expects will be created as a result of its participation in the program of workforce recruitment, assessment and training and the wages the business expects to pay to persons employed in those jobs;

(d) The types of services which will be provided to the business through the program of workforce recruitment, assessment and training;

(e) A workforce diversity action plan approved by the Office; and

(f) Any other information required by the Office.

Sec. 2. NRS 231.1468 is hereby amended to read as follows:

231.1468 A workforce diversity action plan submitted to the Office for approval pursuant to paragraph (a) of subsection 3 of NRS 231.1467 or paragraph (e) of subsection ~~{8}~~ 9 of NRS 231.1467 must include, without limitation:

1. A statement expressing a commitment to workforce diversity, an explanation of the actions that will be taken and strategies that will be implemented to promote workforce diversity and the goals and performance measures which will be used to measure the success of the plan in achieving those goals; and

2. A statement expressing a commitment to comply with all applicable federal and state laws.

Sec. 3. NRS 231.147 is hereby amended to read as follows:

231.147 1. A person who operates a business or will operate a business in this State may apply to the Office for approval of a program of workforce training ~~{-}~~ *for incumbent employees that will result in a postsecondary or industry-recognized credential, or an identifiable occupational skill that meets the applicable industry standard.* The application must be submitted on a form prescribed by the Office.

2. Each application must include:

(a) The name, address and telephone number of the business;

(b) The number and types of jobs for the business that are available or will be available upon completion of the program of workforce training;

(c) A statement of the objectives of the proposed program of workforce training;

(d) *An initial plan for wage increases for employees who successfully complete the program of workforce training;*

(e) The estimated cost for each person enrolled in the program of workforce training; and

~~{(e)}~~ (f) A statement signed by the applicant certifying that, if the program of workforce training set forth in the application is approved and money is granted by the Office to an authorized provider for the program of workforce training, each employee who completes the program of workforce training:

(1) Will be employed in a full-time and permanent position in the business; and

(2) While employed in that position, will be paid not less than 80 percent of the lesser of the average industrial hourly wage in:

(I) This State; or

(II) The county in which the business is located,

➔ as determined by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

3. Upon request, the Office may assist an applicant in completing an application pursuant to the provisions of this section.

4. Except as otherwise provided in subsection 5, the Office shall approve or deny each application within 45 days after receipt of the application. When considering an application, the Office shall give priority to a business that:

(a) Provides high-skill and high-wage jobs to residents of this State;

(b) To the greatest extent practicable, uses materials for the business that are produced or bought in this State;

(c) Is consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053; and

(d) Is consistent with the unified state plan submitted by the Governor to the Secretary of Labor pursuant to 29 U.S.C. § 3112.

5. Before approving an application, the Office shall establish the amount of matching money that the applicant must provide for the program of workforce training. The amount established by the Office for that applicant must not be less than 25 percent of the amount the Office approves for the program of workforce training.

6. If the Office approves an application, it shall notify the applicant, in writing, within 10 days after the application is approved.

7. If the Office denies an application, it shall, within 10 days after the application is denied, notify the applicant in writing. The notice must include the reason for denying the application.

Sec. 4. ~~[NRS 231.151 is hereby amended to read as follows:~~

~~231.151 1. The Workforce Innovations for a New Nevada Account is hereby created in the State General Fund. Any money the Office receives pursuant to NRS 231.149 or that is appropriated to carry out the provisions of NRS 231.141 to 231.152, inclusive:~~

~~(a) Must be deposited in the State General Fund for credit to the Account; and~~

~~(b) May only be used to carry out those provisions;~~

~~2. [Except as otherwise provided in subsection 3, the balance] Any money remaining in the Account [that has not been committed for expenditure on or before June 30 of an odd-numbered] at the end of a fiscal year [reverts] does not revert to the State General Fund [.] and must be carried forward to the next fiscal year.~~

~~3. [In calculating the uncommitted remaining balance in the Account at the end of an odd-numbered fiscal year, any money in the Account that is attributable to a gift, grant, donation or contribution:~~

~~— (a) To the extent not inconsistent with a term of the gift, grant, donation or contribution, shall be deemed to have been committed for expenditure before any money that is attributable to a legislative appropriation; and~~

~~— (b) Must be excluded from the calculation of the uncommitted remaining balance in the Account at the end of each odd-numbered fiscal year if necessary to comply with a term of the gift, grant, donation or contribution.~~

~~4.] The Office shall administer the Account.~~

~~4. Any interest or income earned on the money in the Account must be credited to the Account.~~

~~5. Any claims against the Account must be paid as other claims against the State are paid. (Deleted by amendment.)~~

Sec. 4.3. Section 103 of Assembly Bill No. 494 of this session is hereby amended to read as follows:

Sec. 103. 1. This section and sections 50, 51, 52, 54, 85, 93 and 99 to 102, inclusive, of this act become effective upon passage and approval.

2. Sections 1 to 49, inclusive, 55 to 76, inclusive, 78 to 84, inclusive, 86, 87 and 94 to 98, inclusive, of this act become effective on July 1, 2021.

3. Section 53 of this act becomes effective on July 1, 2021, if, and only if, Senate Bill No. 24 of this session is not enacted by the Legislature.

~~4. Section 54 of this act becomes effective upon passage and approval if and only if Senate Bill No. 24 of this session is enacted by the Legislature and becomes effective.~~

~~5.] 4. Section 77 of this act becomes effective on July 1, 2021, if and only if, both Assembly Bill Nos. 488 and 491 of this session are not enacted by the Legislature.~~

~~6.] 5. Section 88 of this act becomes effective on July 1, 2021, if, and only if, Assembly Bill No. 191 of this session is enacted by the Legislature and becomes effective.~~

~~7.] 6. Section 89 of this act becomes effective on July 1, 2021, if, and only if, Assembly Bill No. 256 of this session is enacted by the Legislature and becomes effective.~~

~~8.] 7. Section 90 of this act becomes effective on July 1, 2021, if, and only if, Senate Bill No. 154 of this session is enacted by the Legislature and becomes effective.~~

~~9.] 8. Section 91 of this act becomes effective on July 1, 2021, if, and only if, Senate Bill No. 420 of this session is enacted by the Legislature and becomes effective.~~

~~[10.]~~ 9. Section 92 of this act becomes effective on July 1, 2021, if, and only if, Assembly Bill No. 387 of this session is enacted by the Legislature and becomes effective.

Sec. 4.7. Section 54 of Assembly Bill No. 494 of this session is hereby repealed.

Sec. 5. 1. This section and ~~[section]~~ sections 4, 4.3 and 4.7 of this act become effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective on July 1, 2021.

TEXT OF REPEALED SECTION

Section 54 of Assembly Bill No. 494 of the current Legislative Session:

Sec. 54. 1. Any money remaining in the Workforce Innovations for a New Nevada Account created by NRS 231.151 at the end of Fiscal Year 2020-2021 and any remaining portion of any appropriations made to the Account for the 2019-2021 biennium does not revert to the State General Fund.

2. The balance in the Account and any portion of appropriations remaining at the end of Fiscal Year 2020-2021 must be carried forward to Fiscal Year 2021-2022.

3. Any balance in the Account and any portion of appropriations made to the Account remaining at the end of Fiscal Year 2021-2022 and Fiscal Year 2022-2023, respectively, must be carried forward.

Senator Neal moved that the Senate concur in Assembly Amendment No. 852 to Senate Bill No. 24.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 96.

The following Assembly amendment was read:

Amendment No. 853.

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

AN ACT relating to disability services; requiring the Department of Health and Human Services to biennially establish reimbursement rates for the services of certain providers for persons with autism spectrum disorders that are comparable to reimbursement rates paid by Medicaid programs in other states; requiring the Department to establish certain limitations relating to the provision of such services to recipients of Medicaid; providing for the reporting to the Legislature or the Legislative Committee on Health Care of certain information concerning the provision of such services to recipients of Medicaid; requiring the Autism Treatment Assistance Program to publish certain information on the Internet website of the Program and take certain actions when there is a waiting list for services from the Program; requiring the Department to seek an increase in certain reimbursement rates for a registered behavior technician under the Medicaid program, the Autism

Treatment Assistance Program and the Children's Health Insurance Program; making appropriations; and providing other matters properly relating thereto. Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to administer the Medicaid program and the Children's Health Insurance Program. (NRS 422.270) Section 4.8 of this bill requires the Department to submit to the United States Secretary of Health and Human Services a request to amend the State Plan for Medicaid to increase the rate of reimbursement which is provided on a fee-for-service basis for services provided by a registered behavior technician to ~~[\$62]~~ at least \$52 per hour, or as close to that amount as the Secretary approves. If the request is approved, section 4.8 requires the Autism Treatment Assistance Program, which is established within the Aging and Disability Services Division to serve as the primary autism program within the Department, and the Children's Health Insurance Program to pay a rate of reimbursement for such services that is equal to or greater than the rate of reimbursement provided under Medicaid. (See NRS 427A.875) Sections 4.2 ~~and 4.5~~ 4.7 of this bill make appropriations to pay costs associated with increasing the reimbursement rates for Medicaid, ~~and~~ the Children's Health Insurance Program, ~~and~~ and the Autism Treatment Assistance Program. Section 2 of this bill requires the Department, beginning on July 1, 2023, to biennially establish reimbursement rates provided on a fee-for-service basis under Medicaid for behavior analysts, assistant behavior analysts and registered behavior technicians that are comparable to reimbursement rates paid by Medicaid programs in other states for such providers. Beginning on July 1, 2023, section 2 also requires the Department to establish reasonable limits on the number of hours that such a provider is authorized to bill for services provided to a recipient of Medicaid in a 24-hour period. Additionally, beginning on July 1, 2023, section 2 requires the Division of Health Care Financing and Policy to: (1) provide training to such providers concerning such limits; and (2) annually report to the Legislature, if the Legislature is in session, or the Legislative Committee on Health Care, if the Legislature is not in session, concerning the provision of services to recipients of Medicaid who have been diagnosed with an autism spectrum disorder. Section 4 of this bill makes a conforming change to provide that the provisions of section 2 are administered in the same manner as the provisions of existing law governing Medicaid.

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

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

Section 1. (Deleted by amendment.)

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

1. *The Director shall:*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. *As used in this section:*

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

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

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

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

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

427A.875 1. There is hereby established the Autism Treatment Assistance Program within the Division to serve as the primary autism program within the Department and to provide and coordinate the provision of services to persons diagnosed or determined, including, without limitation, through the use of a standardized assessment, to have autism spectrum disorders through the age of 19 years.

2. The Autism Treatment Assistance Program shall:

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

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

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

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

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

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

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

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

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

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

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

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

(b) Include, without limitation:

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

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

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

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

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

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

232.320 1. The Director:

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

- (1) The Administrator of the Aging and Disability Services Division;
- (2) The Administrator of the Division of Welfare and Supportive Services;
- (3) The Administrator of the Division of Child and Family Services;
- (4) The Administrator of the Division of Health Care Financing and Policy; and
- (5) The Administrator of the Division of Public and Behavioral Health.

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

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

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

- (1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;
- (2) Set forth priorities for the provision of those services;
- (3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;
- (4) Identify the sources of funding for services provided by the Department and the allocation of that funding;
- (5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and
- (6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their

budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

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

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

Sec. 4.2. 1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services ~~the sum of \$2,701,391~~ to pay the increased reimbursement rates for registered behavior technicians provided under Medicaid and the Children's Health Insurance Program pursuant to section 4.8 of this act ~~the following sums:~~

For the Fiscal Year 2021-2022..... \$327,476

For the Fiscal Year 2022-2023.....\$1,626,586

2. Expenditure of the following sums not appropriated from the State General Fund or the State Highway Fund is hereby authorized by the Division of Health Care Financing and Policy of the Department of Health and Human Services for the same purpose as set forth in subsection 1:

For the Fiscal Year 2021-2022..... \$654,260

For the Fiscal Year 2022-2023.....\$2,878,393

3. Any ~~remaining~~ balance of the ~~appropriation made~~ sums appropriated by subsection 1 ~~remaining at the end of the respective fiscal years~~ must not be committed for expenditure after June 30, ~~2023,~~ of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2022, and September 15, 2023, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2022, and September 15, 2023, respectively.

Sec. 4.5. 1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services ~~the sum of \$109,838~~ to pay personnel, operating, computer programming and equipment costs to carry out the provisions of section 4.8 of this act as they apply to Medicaid and the Children's Health Insurance Program ~~the following sums:~~

For the Fiscal Year 2021-2022..... \$42,595

For the Fiscal Year 2022-2023..... \$52,243

2. Expenditure of the following sums not appropriated from the State General Fund or the State Highway Fund is hereby authorized by the Division of Health Care Financing and Policy of the Department of Health and Human Services for the same purpose as set forth in subsection 1:

For the Fiscal Year 2021-2022..... \$46,596

For the Fiscal Year 2022-2023..... \$52,243

3. Any ~~remaining~~ balance of the ~~appropriation made~~ sums appropriated by subsection 1 ~~remaining at the end of the respective fiscal years~~ must not be committed for expenditure after June 30, ~~2023~~, of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2022, and September 15, 2023, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2022, and September 15, 2023, respectively.

Sec. 4.7. 1. There is hereby appropriated from the State General Fund to the Aging and Disability Services Division of the Department of Health and Human Services to pay the increased reimbursement rates for registered behavior technicians provided under the Autism Treatment Assistance Program pursuant to section 4.8 of this act the following sums:

For the Fiscal Year 2021-2022..... \$306,501

For the Fiscal Year 2022-2023..... \$613,002

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2022, and September 15, 2023, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2022, and September 15, 2023, respectively.

Sec. 4.8. 1. On or before October 1, 2021, the Department of Health and Human Services shall submit to the United States Secretary of Health and Human Services a request to amend the State Plan for Medicaid to increase the rate of reimbursement that is provided on a fee-for-service basis pursuant to the State Plan for Medicaid for services provided by a registered behavior technician to ~~[\$62]~~ at least \$52 for each hour that such services are provided, or as close to that amount as the Secretary approves. The request must be supported using methods for determining reimbursement rates accepted by the Secretary.

2. If the amendment to the State Plan for Medicaid requested pursuant to subsection 1 is approved:

(a) The increased rate of reimbursement established by the amendment must become effective on January 1, 2022, or when approved if after that date; and

(b) The Autism Treatment Assistance Program established by NRS 427A.875 and the Children's Health Insurance Program must provide a rate of reimbursement for services provided by a registered behavior

technician equal to or greater than the rate of reimbursement provided for such services pursuant to the State Plan for Medicaid beginning on January 1, 2022, or when approved if after that date.

3. As used in this section, "registered behavior technician" has the meaning ascribed to it in NRS 437.050.

Sec. 5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 6. 1. This section and section 5 of this act become effective upon passage and approval.

2. Sections 1 ~~(1)~~ and 4.2 ~~(1, 4.5 and)~~ to 4.8 , inclusive, of this act become effective on July 1, 2021.

3. Sections 2, 3 and 4 of this act become effective on July 1, 2023.

Senator Ratti moved that the Senate concur in Assembly Amendment No. 853 to Senate Bill No. 96.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 325.

The following Assembly amendment was read:

Amendment No. 819.

SUMMARY—Establishes provisions relating to preventing the acquisition of human immunodeficiency virus. (BDR 54-632)

AN ACT relating to health care; requiring the State Board of Pharmacy to prescribe a protocol authorizing a pharmacist to prescribe ~~, (and)~~ dispense and administer drugs to prevent the acquisition of human immunodeficiency virus and perform certain laboratory tests; requiring certain health plans to include coverage for such drugs and testing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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 1 of this bill requires the State Board of Pharmacy to prescribe a protocol to allow a pharmacist to: (1) order any laboratory test necessary for therapy that uses a drug approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus; (2) conduct such tests as necessary for such therapy; and (3) prescribe ~~, (and)~~ dispense and administer such drugs without a prescription from a practitioner. Section 1 authorizes a pharmacist who is covered by sufficient liability coverage, as defined by regulations adopted by the Board, to take the actions authorized by the protocol. Section 2 of this bill provides that the practice of pharmacy includes actions authorized by the protocol. Section 8.5 of this bill makes a conforming change to account for the provisions of section 1 authorizing a pharmacist to dispense a drug that has not been prescribed by a practitioner.

The Board would be authorized to suspend or revoke the registration of a pharmacist who orders or conducts a laboratory test or prescribes, ~~for~~ dispenses or administers drugs under the protocol issued pursuant to section 1 without complying with the provisions of the protocol. (NRS 639.210)

Sections 4-7, 10, 12, 13, 15-17 and 20 of this bill require public and private health plans, including Medicaid and health plans for state and local government employees, to: (1) provide coverage for drugs that prevent the acquisition of human immunodeficiency virus and any related laboratory or diagnostic procedures; and (2) reimburse laboratory testing, prescribing, ~~and~~ dispensing and administering by a pharmacist in accordance with section 1 at a rate equal to that provided to a physician, physician assistant or advanced practice registered nurse for similar services. ~~[Sections 4, 5, 8, 10, 12, 13, 15, 17 and 20 of this bill prohibit such a health plan from requiring prior authorization or step therapy.]~~ Sections 3, 11 and 14 of this bill make conforming changes to indicate the placement of sections 6, 10 and 13, respectively, of this bill in the Nevada Revised Statutes. Section 19 of this bill authorizes the Commissioner of Insurance to suspend or revoke the certificate of a health maintenance organization that fails to comply with the requirements of section 17 of this bill. The Commissioner would also be authorized to take such action against other health insurers who fail to comply with the requirements of sections 10, 12, 13, 15, 16 and 20 of this bill. (NRS 680A.200)

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 a new section to read as follows:

1. *To the extent authorized by federal law, a pharmacist who meets the requirements prescribed by the Board pursuant to subsection 2 may, in accordance with the requirements of the protocol prescribed pursuant to subsection 2:*

(a) *Order and perform laboratory tests that are necessary for therapy that uses a drug approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus; and*

(b) *Prescribe, ~~and~~ dispense and administer any drug described in paragraph (a) to a patient.*

2. *The Board shall adopt regulations:*

(a) *Requiring a pharmacist who takes the actions authorized by this section to be covered by adequate liability insurance, as determined by the Board; and*

(b) *Establishing a protocol for the actions authorized by this section.*

Sec. 2. 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) *Prescribing, ~~and~~ dispensing and administering of drugs for preventing the acquisition of human immunodeficiency virus and ordering and conducting laboratory tests necessary for therapy that uses such drugs pursuant to the protocol prescribed pursuant to section 1 of this act.*

~~{10.}~~

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 ~~{7.}~~ and section 1 of this act.

Sec. 3. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

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

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

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

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

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

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

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, and section 6 of this act, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not

responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

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

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

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

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

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

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

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

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

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

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

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

Sec. 4. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 687B.408, 689B.030 to 689B.050, inclusive, *and section 12 of this act*, 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and

employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 5. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 687B.409, 689B.255, 695G.150, 695G.155, 695G.160, 695G.162, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.170 to 695G.174, inclusive, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, and section 20 of this act in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 6. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:

1. *Any laboratory testing that is necessary for therapy that uses a drug approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus; and*

2. *The services of a pharmacist described in section 1 of this act. The State must provide reimbursement for such services at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.*

Sec. 7. NRS 422.4025 is hereby amended to read as follows:

422.4025 1. The Department shall:

(a) By regulation, develop a list of preferred prescription drugs to be used for the Medicaid program and the Children's Health Insurance Program, and each public or nonprofit health benefit plan that elects to use the list of

preferred prescription drugs as its formulary pursuant to NRS 287.012, 287.0433 or 687B.407; and

(b) Negotiate and enter into agreements to purchase the drugs included on the list of preferred prescription drugs on behalf of the health benefit plans described in paragraph (a) or enter into a contract pursuant to NRS 422.4053 with a pharmacy benefit manager or health maintenance organization, as appropriate, to negotiate such agreements.

2. The Department shall, by regulation, establish a list of prescription drugs which must be excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs established pursuant to subsection 1. The list established pursuant to this subsection must include, without limitation:

(a) Prescription drugs that are prescribed for the treatment of the human immunodeficiency virus or acquired immunodeficiency syndrome, including, without limitation, protease inhibitors and antiretroviral medications;

(b) Antirejection medications for organ transplants;

(c) Antihemophilic medications; and

(d) Any prescription drug which the Board identifies as appropriate for exclusion from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs.

3. The regulations must provide that the Board makes the final determination of:

(a) Whether a class of therapeutic prescription drugs is included on the list of preferred prescription drugs and is excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs;

(b) Which therapeutically equivalent prescription drugs will be reviewed for inclusion on the list of preferred prescription drugs and for exclusion from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs; and

(c) Which prescription drugs should be excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs based on continuity of care concerning a specific diagnosis, condition, class of therapeutic prescription drugs or medical specialty.

4. The list of preferred prescription drugs established pursuant to subsection 1 must include, without limitation ~~[-any]~~:

(a) Any prescription drug determined by the Board to be essential for treating sickle cell disease and its variants ~~[-]~~; and

(b) *Prescription drugs to prevent the acquisition of human immunodeficiency virus.*

5. The regulations must provide that each new pharmaceutical product and each existing pharmaceutical product for which there is new clinical evidence supporting its inclusion on the list of preferred prescription drugs must be made available pursuant to the Medicaid program with prior authorization until the Board reviews the product or the evidence.

6. On or before February 1 of each year, the Department shall:

(a) Compile a report concerning the agreements negotiated pursuant to paragraph (b) of subsection 1 and contracts entered into pursuant to NRS 422.4053 which must include, without limitation, the financial effects of obtaining prescription drugs through those agreements and contracts, in total and aggregated separately for agreements negotiated by the Department, contracts with a pharmacy benefit manager and contracts with a health maintenance organization; and

(b) Post the report on an Internet website maintained by the Department and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In odd-numbered years, the Legislature; or

(2) In even-numbered years, the Legislative Commission.

Sec. 8. ~~NRS 422.403 is hereby amended to read as follows:~~

~~422.403 1. The Department shall, by regulation, establish and manage the use by the Medicaid program of step therapy and prior authorization for prescription drugs.~~

~~2. The Drug Use Review Board shall:~~

~~(a) Advise the Department concerning the use by the Medicaid program of step therapy and prior authorization for prescription drugs;~~

~~(b) Develop step therapy protocols and prior authorization policies and procedures for use by the Medicaid program for prescription drugs; and~~

~~(c) Review and approve, based on clinical evidence and best clinical practice guidelines and without consideration of the cost of the prescription drugs being considered, step therapy protocols used by the Medicaid program for prescription drugs.~~

~~3. The Department shall not require the Drug Use Review Board to develop, review or approve prior authorization policies or procedures necessary for the operation of the list of preferred prescription drugs developed pursuant to NRS 422.4025.~~

~~4. The Department shall accept recommendations from the Drug Use Review Board as the basis for developing or revising step therapy protocols and prior authorization policies and procedures used by the Medicaid program for prescription drugs.~~

~~5. The Department shall not require a recipient of Medicaid to undergo step therapy for a prescription drug for the prevention of human immunodeficiency virus. } (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 section 1 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 687B.225 is hereby amended to read as follows:~~

~~687B.225 1. Except as otherwise provided in NRS 689A.0405, 689A.0413, 689A.044, 689A.0445, 689B.031, 689B.0313, 689B.0317, 689B.0374, 695B.1912, 695B.1914, 695B.1925, 695B.1942, 695C.1713, 695C.1735, 695C.1745, 695C.1751, 695C.170, 695C.171 and 695C.177, and sections 10, 12, 13, 15, 16 and 19 of this act, any contract for group, blanket or individual health insurance or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care which provides for payment of a certain part of medical or dental care may require the insured or member to obtain prior authorization for that care from the insurer or organization. The insurer or organization shall:~~

~~—(a) File its procedure for obtaining approval of care pursuant to this section for approval by the Commissioner; and~~

~~—(b) Respond to any request for approval by the insured or member pursuant to this section within 20 days after it receives the request.~~

~~2. The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.] (Deleted by amendment.)~~

Sec. 10. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a policy of health insurance shall include

in the policy coverage for:

(a) ~~Any drug~~ Drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus;

(b) Laboratory testing that is necessary for therapy that uses such a drug; and

(c) The services described in section 1 of this act, when provided by a pharmacist who participates in the network plan of the insurer.

2. An insurer that offers or issues a policy of health insurance shall reimburse a pharmacist who participates in the network plan of the insurer for the services described in section 1 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. An insurer ~~shall not require an insured to undergo step therapy or receive prior authorization in order to receive the~~ may subject the benefits required by subsection 1 ~~to~~ to reasonable medical management techniques.

4. An insurer shall 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.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and 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.

~~((b))~~ (c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 11. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~to~~, and section 10 of this act.

Sec. 12. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:

(a) ~~Any drug~~ Drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus;

(b) Laboratory testing that is necessary for therapy that uses such a drug; and

(c) The services described in section 1 of this act, when provided by a pharmacist who participates in the network plan of the insurer.

2. An insurer that offers or issues a policy of group health insurance shall reimburse a pharmacist who participates in the network plan of the insurer for the services described in section 1 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. An insurer ~~shall not require an insured to undergo step therapy or receive prior authorization in order to receive~~ may subject the benefits required by subsection 1 ~~to~~ to reasonable medical management techniques.

4. An insurer shall 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.

5. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and 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.

~~(b)~~ (c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 13. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for:

(a) ~~Any drug~~ Drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus;

(b) Laboratory testing that is necessary for therapy that uses such a drug; and

(c) The services described in section 1 of this act, when provided by a pharmacist who participates in the health benefit plan of the carrier.

2. A carrier that offers or issues a health benefit plan shall reimburse a pharmacist who participates in the health benefit plan of the carrier for the services described in section 1 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. A carrier ~~shall not require an insured to undergo step therapy or receive prior authorization in order to receive~~ may subject the benefits required by subsection 1 ~~to~~ to reasonable medical management techniques.

4. A carrier shall 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.

5. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

~~(b)~~ (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)~~ (c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 14. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, and section 13 of this act to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 15. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A society that offers or issues a benefit contract shall include in the benefit coverage for:

(a) ~~[Any drug]~~ Drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus;

(b) Laboratory testing that is necessary for therapy that uses such a drug; and

(c) The services described in section 1 of this act, when provided by a pharmacist who participates in the network plan of the society.

2. A society that offers or issues a benefit contract shall reimburse a pharmacist who participates in the network plan of the society for the services described in section 1 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. A society ~~[shall not require an insured to undergo step therapy or receive prior authorization in order to receive]~~ may subject the benefits required by subsection 1 ~~[1]~~ to reasonable medical management techniques.

4. A society shall 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.

5. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

~~(b)~~ (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)~~ (c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 16. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A hospital or medical services corporation that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) ~~[Any drug]~~ Drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus;

(b) Laboratory testing that is necessary for therapy using such a drug; and

(c) The services described in section 1 of this act, when provided by a pharmacist who participates in the network plan of the hospital or medical services corporation.

2. A hospital or medical services corporation that offers or issues a policy of health insurance shall reimburse a pharmacist who participates in the network plan of the hospital or medical services corporation for the services described in section 1 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. A hospital or medical services corporation ~~(shall not require an insured to undergo step therapy or receive prior authorization in order to receive)~~ may subject the benefits required by subsection 1 ~~to~~ to reasonable medical management techniques.

4. A hospital or medical services corporation shall 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 hospital or medical services corporation.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

~~(b)~~ (b) "Network plan" means a policy of health insurance offered by a hospital or medical services corporation 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 hospital or medical services corporation. The term does not include an arrangement for the financing of premiums.

~~(c)~~ (c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 17. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:

(a) ~~Any drug~~ Drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus;

(b) Laboratory testing that is necessary for therapy that uses such a drug;
and

(c) The services described in section 1 of this act, when provided by a pharmacist who participates in the network plan of the health maintenance organization.

2. A health maintenance organization that offers or issues a health care plan shall reimburse a pharmacist who participates in the network plan of the health maintenance organization for the services described in section 1 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. A health maintenance organization ~~shall not require an enrollee to undergo step therapy or receive prior authorization in order to receive~~ may subject the benefits required by subsection 1 ~~to~~ to reasonable medical management techniques.

4. A health maintenance organization shall 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.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and 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.

~~((b))~~ (c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 18. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17345, 695C.1735, 695C.1745 and 695C.1757 , *and section 17 of this act* apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 19. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, *or section 17 of this act* or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 20. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A managed care organization that offers or issues a health care plan shall include in the plan coverage for:*

(a) ~~Any drug~~ Drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus;

(b) *Laboratory testing that is necessary for therapy that uses such a drug;*
and

(c) The services described in section 1 of this act, when provided by a pharmacist who participates in the network plan of the managed care organization.

2. A managed care organization that offers or issues a health care plan shall reimburse a pharmacist who participates in the network plan of the managed care organization for the services described in section 1 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. A managed care organization ~~(shall not require an insured to undergo step therapy or receive prior authorization in order to receive)~~ may subject the benefits required by subsection 1 ~~to~~ to reasonable medical management techniques.

4. A managed care organization shall 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.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and 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.

~~(b)~~ (c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 21. 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. 22. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 21, inclusive, of this act become effective:

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

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

Senator Ratti moved that the Senate concur in Assembly Amendment No. 819 to Senate Bill No. 325.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 380.

The following Assembly amendment was read:

Amendment No. 855.

SUMMARY—Revises provisions governing the reporting of data concerning the prices of prescription drugs. (BDR 40-445)

AN ACT relating to prescription drugs; ~~expanding~~ revising the information that is reported under the program for tracking and reporting of information concerning the pricing of prescription drugs; requiring wholesalers to make a report; requiring certain reporting entities to affirm the accuracy of the information in the reports; revising requirements concerning the report of the Department of Health and Human Services on the pricing of prescription drugs; revising the authorized uses of certain administrative penalties; excluding certain information from protection as a trade secret; ~~requiring an individual health insurer to publish notice if certain drugs are removed from its formulary;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to compile: (1) a list of prescription drugs that the Department determines to be essential for treating diabetes and asthma in this State; and (2) a list of such prescription drugs that have been subject to a significant price increase. (NRS 439B.630) Sections 1.3-4, 9.3 and 9.5 of this bill define certain terms relating to prescription drugs. Section 10 of this bill: (1) removes the requirement that the Department compile a list of essential asthma ~~and diabetes~~ drugs; and ~~instead~~ (2) requires the Department to compile a list of prescription drugs with a wholesale acquisition cost that exceeds, exceeding \$40 for a course of therapy; and (2) revises the manner in which a significant price increase is determined; that have undergone a price increase of 10 percent during the immediately preceding year or 20 percent during the immediately preceding 2 years. Section 19.5 of this bill makes a conforming change to reflect the changes made by section 10.

Existing law requires a manufacturer of prescription drugs or a pharmacy benefit manager to report certain information concerning ~~prescription~~ drugs on the list of essential asthma and diabetes drugs to the Department. (NRS 439B.635, 439B.640, 439B.645) Sections 11-13 of this bill require those reports to also include information concerning drugs on the list of drugs with a wholesale acquisition cost that exceeds \$40 for a course of therapy and have undergone a price increase of 10 percent during the immediately preceding year or 20 percent during the immediately preceding 2 years. Section 13 of this bill additionally revises and expands the information that a pharmacy benefit manager is required to report ~~to~~ concerning drugs on that list and drugs on the list of essential diabetes drugs. Section 6 of this bill requires a wholesaler of prescription drugs to report to the Department certain information concerning the drugs on ~~the list of drugs with a wholesale acquisition cost that exceeds \$40 for a course of therapy;~~ those lists. Section 16 of this bill requires the

Department to adopt regulations establishing the form and manner in which wholesalers are required to report that information. Sections 6 and 11-13 of this bill require a report submitted by a manufacturer, pharmacy benefit manager or wholesaler to be accompanied by statement signed under penalty of perjury affirming the accuracy of the information in the report.

Existing law provides that pharmacy benefit managers are not required to report information relating to prescription drug coverage that is a part of a plan regulated under the federal Employee Retirement Income Security Act, but that such a plan may require a pharmacy benefit manager to report that information by contract. (NRS 439B.645) In *Rutledge v. Pharm. Care Mgmt. Ass'n*, the United States Supreme Court held that states are authorized to impose general requirements governing pharmacy benefit managers on pharmacy benefit managers that manage such coverage. (141 S. Ct. 474, 481 (2020)) Section 13 removes the exemption for such coverage from requirements for the reporting of information by pharmacy benefit managers, thereby requiring a pharmacy benefit manager to report information relating to such coverage regardless of whether they are required to do so by contract.

Existing law requires the Department to analyze the information reported concerning the prices of prescription drugs and compile a report concerning the reasons for and effect of the pricing. (NRS 439B.650) Section 14 of this bill: (1) revises the information that must be included in that report; and (2) requires the Department to present the findings in the report at a public hearing.

Existing law authorizes the Department to impose an administrative penalty against a manufacturer, pharmacy benefit manager or nonprofit organization that fails to report required information. (NRS 439B.695) Section 18 of this bill: (1) authorizes the imposition of an administrative penalty against a wholesaler that fails to report the information required by section 6; and (2) revises the manner in which the Department is authorized to use the money collected through those penalties.

Existing law excludes information reported by manufacturers, pharmaceutical sales representatives and pharmacy benefit managers from protection under trade secret law in this State. (NRS 600A.030) Section 19 of this bill similarly excludes information reported by wholesalers from such protection.

~~[Existing law requires an insurer that offers or issues a policy of individual health insurance to publish on an Internet website that is operated by the insurer and is accessible to the public or include in any enrollment materials distributed by the insurer a notice of all prescription drugs that: (1) are included on the most recent list of essential diabetes and asthma drugs compiled by the Department; and (2) have been removed or will be removed from the formulary during the current plan year or the next plan year. (NRS 689.405) Section 19.5 of this bill revises that reference to instead refer to the list of prescription drugs with a wholesale acquisition cost that exceeds \$40 for a course of therapy.]~~

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

Section 1. Chapter 439B of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 to 8, inclusive, of this act.

Sec. 1.3. *"National Drug Code" means the numerical code assigned to a prescription drug by the United States Food and Drug Administration.*

Sec. 1.6. 1. *"Rebate" means a discount or concession that affects the price of a prescription drug which is provided by the manufacture of the drug to:*

(a) A third party;

(b) A pharmacy benefit manager after the pharmacy benefit manager has processed a claim from a pharmacy, an institutional pharmacy, as defined in NRS 639.0085, or a pharmacist; or

(c) A wholesaler.

2. *The term does not include a bona fide service fee, as defined in 42 C.F.R. § 447.502.*

Sec. 2. *"Third party" means:*

1. *An insurer, as that term is defined in NRS 679B.540;*

2. *A health benefit plan, as that term is defined in NRS 687B.470, for employees which provides coverage for prescription drugs;*

3. *The Public Employees' Benefits Program established pursuant to subsection 1 of NRS 287.043;*

4. *A governing body of a county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency that provides health coverage to employees through a self-insurance reserve fund pursuant to NRS 287.010;*

5. *The Department, with regard to Medicaid and the Children's Health Insurance Program; and*

6. *Any other insurer or organization providing coverage of prescription drugs in accordance with state or federal law.*

Sec. 3. *(Deleted by amendment.)*

Sec. 3.3. *"Unit" has the meaning ascribed to it in 42 U.S.C. § 1395w-3a(b)(2)(B).*

Sec. 3.5. ~~*["WAC unit" means the lowest identifiable quantity of a prescription drug that is dispensed, excluding any diluent and without reference to volume measurements for liquids.]*~~ *(Deleted by amendment.)*

Sec. 4. *"Wholesaler" has the meaning ascribed to it in NRS 639.016.*

Sec. 5. *(Deleted by amendment.)*

Sec. 6. 1. *On or before April 1 of each year, a wholesaler that sells a prescription drug that appears on either or both of the most current ~~(list)~~ lists compiled by the Department pursuant to paragraphs (a) and (c) of subsection 1 of NRS 439B.630 for use in this State shall prepare and submit to the Department, in the form prescribed by the Department:*

(a) A report which includes the information prescribed by subsection 2; and

(b) A statement signed by the person responsible for compiling the report affirming, under penalty of perjury, the accuracy of the information in the report.

2. The report submitted pursuant to paragraph (a) of subsection 1 must include, for each drug described in subsection 1:

(a) The current wholesale acquisition cost of the drug and the minimum and maximum wholesale acquisition cost of the drug during the immediately preceding calendar year;

(b) The total volume in ~~(WAC)~~ units of the drug ~~(sold)~~ shipped by the wholesaler ~~(for use in)~~ into this State during the immediately preceding calendar year;

(c) The aggregate amount of rebates negotiated directly with the manufacturer of the drug for sales of units of the drug ~~(for use in)~~ shipped by the wholesaler into this State during the immediately preceding calendar year;

(d) The aggregate amount of rebates negotiated with pharmacies, pharmacy benefit managers and other entities for sales of units of the drug ~~(for use in)~~ shipped by the wholesaler into this State during the immediately preceding calendar year; and

(e) Any other information prescribed by regulation of the Department.

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 439B.600 is hereby amended to read as follows:

439B.600 As used in NRS 439B.600 to 439B.695, inclusive, and sections 1.3 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 439B.605 to 439B.620, inclusive, and sections 1.3 to 4, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 9.3. NRS 439B.605 is hereby amended to read as follows:

439B.605 "Manufacturer" has the meaning ascribed to it in ~~[NRS 639.009.]~~ 42 U.S.C. § 1396r-8(k)(5).

Sec. 9.5. NRS 439B.620 is hereby amended to read as follows:

439B.620 "Wholesale acquisition cost" means the manufacturer's published list price for a prescription drug ~~(to wholesalers or direct purchasers in the United States, not including any discounts, rebates or reductions in price, as reported in wholesale price guides or other publications of drug pricing data.)~~ with a unique National Drug Code ~~for~~ for sale to a wholesaler or any other person or entity that purchases the prescription drug directly from the manufacturer, not including any rebates or other price concessions.

Sec. 10. NRS 439B.630 is hereby amended to read as follows:

439B.630 1. On or before February 1 of each year, the Department shall compile:

~~(1.)~~ (a) A list of prescription drugs that the Department determines to be essential for treating ~~asthma and~~ diabetes in this State and the wholesale acquisition cost of each such drug on the list. The list must include, without limitation, all forms of insulin and biguanides marketed for sale in this State.

~~[with a wholesale acquisition cost that exceeds \$40 for a course of therapy. As used in this subsection, "course of therapy" means:~~

~~— (a) Except as otherwise provided in paragraph (b), the recommended daily dosage of a prescription drug, as set forth on the label for the prescription drug approved by the United States Food and Drug Administration, for 30 days.~~

~~— (b) If the normal course of treatment using a prescription drug is less than 30 days, the recommended daily dosage of a prescription drug, as set forth on the label for the prescription drug approved by the United States Food and Drug Administration, for the duration of the recommended course of treatment.~~

~~— 2. (b)~~ A list of prescription drugs described in ~~[subsection 1]~~ paragraph (a) that have been subject to an increase in the wholesale acquisition cost of a percentage equal to or greater than:

~~{(a)}~~ (1) The percentage increase in the Consumer Price Index, Medical Care Component ~~{Ten percent}~~ during the immediately preceding calendar year; or

~~{(b)}~~ (2) Twice the percentage increase in the Consumer Price Index, Medical Care Component ~~{Twenty percent}~~ during the immediately preceding 2 calendar years.

~~(c) A list of prescription drugs with a wholesale acquisition cost exceeding \$40 for a course of therapy that have been subject to an increase in the wholesale acquisition cost of a percentage equal to or greater than:~~

~~(1) Ten percent during the immediately preceding calendar year; or~~

~~(2) Twenty percent during the immediately preceding 2 calendar years.~~

~~2. As used in this section, "course of therapy" means:~~

~~(a) Except as otherwise provided in paragraph (b), the recommended daily dosage of a prescription drug, as set forth on the label for the prescription drug approved by the United States Food and Drug Administration, for 30 days.~~

~~(b) If the normal course of treatment using a prescription drug is less than 30 days, the recommended daily dosage of a prescription drug, as set forth on the label for the prescription drug approved by the United States Food and Drug Administration, for the duration of the recommended course of treatment.~~

Sec. 11. NRS 439B.635 is hereby amended to read as follows:

439B.635 1. On or before April 1 of each year, the manufacturer of a prescription drug that appears on either or both of the most current ~~(list)~~ lists compiled by the Department pursuant to paragraphs (a) and (c) of subsection 1 of NRS 439B.630 shall prepare and submit to the Department, in the form prescribed by the Department ~~{, a}~~ :

(a) A report which includes the information prescribed by subsection 2; and

(b) A statement signed by the person responsible for compiling the report under penalty of perjury affirming the accuracy of the information in the report.

2. The report submitted pursuant to paragraph (a) of subsection 1 must include ~~the~~:

~~1.~~ , for each drug described in subsection 1:

(a) The National Drug Code for the drug, reported in numeric form;

(b) The name, strength, dosage form and package size of the drug;

(c) The costs of producing the drug;

~~2.~~ (d) The total administrative expenditures relating to the drug, including marketing and advertising costs;

~~3.~~ (e) The profit that the manufacturer has earned from the drug and the percentage of the manufacturer's total profit for the period during which the manufacturer has marketed the drug for sale that is attributable to the drug;

~~4.~~ (f) The total amount of financial assistance that the manufacturer has provided through any patient prescription assistance program;

~~5.~~ (g) The cost associated with coupons provided directly to consumers and for programs to assist consumers in paying copayments, and the cost to the manufacturer attributable to the redemption of those coupons and the use of those programs;

~~6.~~ (h) The wholesale acquisition cost of the drug;

~~7.~~ (i) A history of any increases in the wholesale acquisition cost of the drug over the 5 years immediately preceding the date on which the report is submitted, including the amount of each such increase expressed as a percentage of the total wholesale acquisition cost of the drug, the month and year in which each increase became effective and any explanation for the increase;

~~8.~~ (j) The aggregate amount of all rebates that the manufacturer has provided to pharmacy benefit managers for sales of the drug within this State; ~~and~~

~~9.~~ (k) If the manufacturer acquired the intellectual property for the drug within the immediately preceding 5 years:

(1) The name of the entity from which that intellectual property was acquired;

(2) The date of the acquisition and the purchase price;

(3) The wholesale acquisition cost at the time of the acquisition;

(4) The wholesale acquisition cost of the drug 1 year before the date of the acquisition; and

(5) The year that the drug was first made available for sale; and

(l) Any additional information prescribed by regulation of the Department for the purpose of analyzing the cost of prescription drugs that appear on either or both of the ~~list~~ lists compiled pursuant to paragraphs (a) and (c) of subsection 1 of NRS 439B.630, trends in those costs and rebates available for such drugs.

Sec. 12. NRS 439B.640 is hereby amended to read as follows:

439B.640 1. On or before April 1 of a year in which a drug is included on ~~the list~~ either or both of the lists compiled pursuant to paragraphs (b) or

~~(c) of subsection 1~~ (2) 1 of NRS 439B.630, the manufacturer of the drug shall submit to the Department ~~the~~ :

(a) A report describing the reasons for the increase in the wholesale acquisition cost of the drug described in ~~that subsection~~ paragraph (b) or (c), as applicable, of subsection 1 of NRS 439B.630 ; and

(b) A statement signed by the person responsible for compiling the report under penalty of perjury affirming the accuracy of the information in the report.

2. The report submitted pursuant to paragraph (a) of subsection 1 must include, without limitation:

~~1.~~ (a) A list of each factor that has contributed to the increase;

~~2.~~ (b) The percentage of the total increase that is attributable to each factor;

~~3.~~ (c) An explanation of the role of each factor in the increase; and

~~4.~~ (d) Any other information prescribed by regulation by the Department.

Sec. 13. NRS 439B.645 is hereby amended to read as follows:

439B.645 1. ~~Except as otherwise provided in subsection 2, on~~ On or before April 1 of each year, a pharmacy benefit manager shall submit to the Department ~~the~~ :

(a) A report which includes ~~the~~ the information prescribed by subsection 2; and

(b) A statement signed under penalty of perjury affirming the accuracy of the information in the report.

2. The report submitted pursuant to paragraph (a) of subsection 1 must include:

(a) The current wholesale acquisition cost of each drug included on either or both of the most current lists compiled by the Department pursuant to paragraphs (a) and (c) of subsection 1 of NRS 439B.630 and the minimum and maximum wholesale acquisition cost of each such drug during the immediately preceding year;

(b) The total number of ~~WAC~~ units of each drug included on either or both of the ~~list~~ most current lists compiled by the Department pursuant to paragraphs (a) and (c) of subsection 1 of NRS 439B.630 for which the pharmacy benefit manager negotiated directly with the manufacturer for purchases of the drug for use in in this State during the immediately preceding calendar year;

(c) The number of ~~WAC~~ units of each drug included on either or both of the ~~list~~ most current lists compiled by the Department pursuant to paragraphs (a) and (c) of subsection 1 of NRS 439B.630 for which the pharmacy benefit manager negotiated directly with the manufacturer during the immediately preceding calendar year for purchases of the drug for use in this State by:

(1) Recipients of Medicare;

(2) Recipients of Medicaid;

(3) Persons covered by third parties that are governmental entities which are not described in subparagraph (1) or (2);

(4) Persons covered by commercial insurers; and

(5) Persons covered by third parties other than those described in subparagraphs (1) to (4), inclusive;

(d) The ~~{total}~~ aggregate amount of ~~{all}~~ the rebates ~~[- discounts and other price concessions]~~ that the pharmacy benefit manager negotiated with manufacturers during the immediately preceding calendar year for purchases of prescription drugs included on the ~~{list}~~ most current lists compiled by the Department pursuant to paragraphs (a) and (c) of subsection 1 of NRS 439B.630 ~~{;}~~ for use in this State, in total for ~~{the list compiled by the Department pursuant to subsection 1 of that section}~~ each of those lists and for each drug ~~;~~

~~—(b)} included on {the} such a list ; {compiled pursuant to subsection 1 of that section;}]~~

(e) The ~~{total}~~ aggregate amount of ~~{all}~~ the rebates described in paragraph ~~{(a)}~~ (d) that were retained by the pharmacy benefit manager ~~[- and —(c)]~~ , in total for each ~~{list}~~ of the most current lists compiled by the Department pursuant to paragraphs (a) and (c) of subsection 1 of NRS 439B.630 and for each drug included on ~~{the} such a list ; {compiled pursuant to subsection 1 of that section;}]~~

(f) The ~~{total}~~ aggregate amount of ~~{all}~~ the rebates described in paragraph ~~{(a)}~~ (d) that were negotiated for purchases of ~~{such}~~ prescription drugs for use by ~~[-~~

~~—(1) Recipients of Medicare;~~

~~—(2) Recipients of Medicaid;~~

~~—(3) Persons covered by third parties that are governmental entities which are not described in subparagraph (1) or (2);~~

~~—(4) Persons covered by third parties that are not governmental entities; and~~

~~—(5) Persons covered by a plan described in subsection 2 to the extent required by a contract entered into pursuant to subsection 3.~~

~~—2.— Except as otherwise provided in subsection 3, the requirements of this section do not apply to the coverage of prescription drugs under a plan that is subject to the Employee Retirement Income Security Act of 1974 or any information relating to such coverage.~~

~~—3.— A plan described in subsection 2 may, by contract, require a pharmacy benefit manager that manages the coverage of prescription drugs under the plan to comply with the requirements of this section.] persons in each category listed in paragraph (c), in total for each {list} of the most current lists compiled by the Department pursuant to paragraphs (a) and (c) of subsection 1 of NRS 439B.630 and for each drug included on {the} such a list ; {compiled pursuant to subsection 1 of that section;}]~~

(g) The amount of discounts, dispensing fees or other fees that the pharmacy benefit manager negotiated with pharmacies, prescription drug

networks or pharmacy services administrative organizations during the immediately preceding calendar year for purchases of prescription drugs included on ~~each list~~ the most current lists compiled by the Department pursuant to paragraphs (a) and (c) of subsection 1 of NRS 439B.630 for use in this State, in total for each list and for each drug included on ~~the~~ such a list; ~~compiled pursuant to subsection 1 of that section;~~

(h) The amount of discounts, dispensing fees or other fees described in paragraph (g) which were negotiated for purchases of prescription drugs for use by persons in each category prescribed by paragraph (c), in total for each ~~list~~ of the most current lists compiled by the Department pursuant to paragraphs (a) and (c) of subsection 1 of NRS 439B.630 and for each drug included on ~~the~~ such a list; ~~compiled pursuant to subsection 1 of that section;~~ and

(i) Any other information prescribed by regulation of the Department.

Sec. 14. NRS 439B.650 is hereby amended to read as follows:

439B.650 On or before June 1 of each year, the Department shall ~~analyze~~ :

1. Analyze the information submitted pursuant to NRS 439B.635, 439B.640 and 439B.645 and section 6 of this act and compile a report on the price of ~~the~~ prescription drugs . ~~that appear on the most current lists compiled by the Department pursuant to NRS 439B.630.~~ The report:

(a) Must include, without limitation, a separate analysis of the information reported by manufacturers, pharmacy benefit managers and wholesalers, the reasons for any increases in ~~those~~ the prices of prescription drugs in this State and the effect of those prices on overall spending on prescription drugs , insurance premiums and cost-sharing in this State ~~[- The report may]~~ ; and

(b) May include, without limitation, opportunities for persons and entities in this State to lower the cost of prescription drugs ~~for the treatment of asthma and diabetes~~ while maintaining access to such drugs.

2. Present the findings in the report at a public hearing.

Sec. 15. NRS 439B.670 is hereby amended to read as follows:

439B.670 1. Except as otherwise provided in subsection 2, ~~and subsection 3 of NRS 439B.660,~~ the Department shall:

(a) Place or cause to be placed on the Internet website maintained by the Department:

(1) The information provided by each pharmacy pursuant to NRS 439B.655;

(2) The information compiled by a nonprofit organization pursuant to NRS 439B.665 if such a report is submitted pursuant to paragraph (b) of subsection 1 of that section;

(3) The lists of prescription drugs compiled by the Department pursuant to NRS 439B.630;

(4) The wholesale acquisition cost of each prescription drug, as reported pursuant to NRS 439B.635 ~~[-]~~ and 439B.645 and section 6 of this act; and

(5) The reports compiled by the Department pursuant to NRS 439B.650 and 439B.660.

(b) Ensure that the information placed on the Internet website maintained by the Department pursuant to paragraph (a) is organized so that each individual pharmacy, manufacturer and nonprofit organization has its own separate entry on that website; and

(c) Ensure that the usual and customary price that each pharmacy charges for each prescription drug that is on the list prepared pursuant to NRS 439B.625 and that is stocked by the pharmacy:

(1) Is presented on the Internet website maintained by the Department in a manner which complies with the requirements of NRS 439B.675; and

(2) Is updated not less frequently than once each calendar quarter.

↪ Nothing in this subsection prohibits the Department from determining the usual and customary price that a pharmacy charges for a prescription drug by extracting or otherwise obtaining such information from claims reported by pharmacies to the Medicaid program.

2. If a pharmacy is part of a larger company or corporation or a chain of pharmacies or retail stores, the Department may present the pricing information pertaining to such a pharmacy in such a manner that the pricing information is combined with the pricing information relative to other pharmacies that are part of the same company, corporation or chain, to the extent that the pricing information does not differ among those pharmacies.

3. The Department may establish additional or alternative procedures by which a consumer who is unable to access the Internet or is otherwise unable to receive the information described in subsection 1 in the manner in which it is presented by the Department may obtain that information:

(a) In the form of paper records;

(b) Through the use of a telephonic system; or

(c) Using other methods or technologies designed specifically to assist consumers who are hearing impaired or visually impaired.

4. As used in this section, "usual and customary price" means the usual and customary charges that a pharmacy charges to the general public for a drug, as described in 42 C.F.R. § 447.512.

Sec. 16. NRS 439B.685 is hereby amended to read as follows:

439B.685 The Department shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of NRS 439B.600 to 439B.695, inclusive ~~{ }~~, *and sections 1.3 to 8, inclusive, of this act*. Such regulations must provide for, without limitation:

1. Notice to consumers stating that:

(a) Although the Department will strive to ensure that consumers receive accurate information regarding pharmacies, prescription drugs and nonprofit organizations including, without limitation, the information made available on the Department's Internet website pursuant to NRS 439B.670, the Department is unable to guarantee the accuracy of such information;

(b) If a consumer follows an Internet link from the Internet website maintained by the Department to an Internet website not maintained by the Department, the Department is unable to guarantee the accuracy of any information made available on that Internet website; and

(c) The Department advises consumers to contact a pharmacy, manufacturer or nonprofit organization directly to verify the accuracy of any information regarding the pharmacy, a prescription drug manufactured by the manufacturer or the nonprofit organization, as applicable, which is made available to consumers pursuant to NRS 439B.600 to 439B.695, inclusive ~~and~~, *and sections 1.3 to 8, inclusive, of this act*;

2. Procedures adopted to direct consumers who have questions regarding the program described in NRS 439B.600 to 439B.695, inclusive, *and sections 1.3 to 8, inclusive, of this act* to contact the Office for Consumer Health Assistance of the Department;

3. Provisions in accordance with which the Department will allow an Internet link to the information made available on the Department's Internet website pursuant to NRS 439B.670 to be placed on other Internet websites managed or maintained by other persons and entities, including, without limitation, Internet websites managed or maintained by:

(a) Other governmental entities, including, without limitation, the State Board of Pharmacy and the Office of the Governor; and

(b) Nonprofit organizations and advocacy groups;

4. Procedures pursuant to which consumers, pharmacies, manufacturers and nonprofit organizations may report to the Department that information made available to consumers pursuant to NRS 439B.600 to 439B.695, inclusive, *and sections 1.3 to 8, inclusive, of this act* is inaccurate;

5. The form and manner in which pharmacies are to provide to the Department the information described in NRS 439B.655; ~~and~~

6. The form and manner in which manufacturers are to provide to the Department the information described in NRS 439B.635, 439B.640 and 439B.660;

7. The form and manner in which pharmacy benefit managers are to provide to the Department the information described in NRS 439B.645;

8. The form and manner in which pharmaceutical sales representatives are to provide to the Department the information described in NRS 439B.660;

9. The form and manner in which nonprofit organizations are to provide to the Department the information described in NRS 439B.665, if required; ~~and~~

10. *The form and manner in which wholesalers are to provide the Department with the information described in section 6 of this act; and*

11. Standards and criteria pursuant to which the Department may remove from its Internet website information regarding a pharmacy or an Internet link to the Internet website maintained by a pharmacy, or both, if the Department determines that the pharmacy has:

(a) Ceased to be licensed and in good standing pursuant to chapter 639 of NRS; or

(b) Engaged in a pattern of providing to consumers information that is false or would be misleading to reasonably informed persons.

Sec. 17. (Deleted by amendment.)

Sec. 18. NRS 439B.695 is hereby amended to read as follows:

439B.695 1. If a pharmacy that is licensed under the provisions of chapter 639 of NRS and is located within the State of Nevada fails to provide to the Department the information required to be provided pursuant to NRS 439B.655 or fails to provide such information on a timely basis, and the failure was not caused by excusable neglect, technical problems or other extenuating circumstances, the Department may impose against the pharmacy an administrative penalty of not more than \$500 for each day of such failure.

2. If a manufacturer fails to provide to the Department the information required by NRS 439B.635, 439B.640 or 439B.660, a pharmacy benefit manager fails to provide to the Department the information required by NRS 439B.645, *a wholesaler fails to provide to the Department the information required by section 6 of this act* or a nonprofit organization fails to post or provide to the Department, as applicable, the information required by NRS 439B.665 or a manufacturer, pharmacy benefit manager, *wholesaler* or nonprofit organization fails to post or provide, as applicable, such information on a timely basis, and the failure was not caused by excusable neglect, technical problems or other extenuating circumstances, the Department may impose against the manufacturer, pharmacy benefit manager, *wholesaler* or nonprofit organization, as applicable, an administrative penalty of not more than \$5,000 for each day of such failure.

3. If a pharmaceutical sales representative fails to comply with the requirements of NRS 439B.660, the Department may impose against the pharmaceutical sales representative an administrative penalty of not more than \$500 for each day of such failure.

4. Any money collected as administrative penalties pursuant to this section must be accounted for separately and used by the Department ~~for~~ :

(a) *For purposes relating to improvement of transparency concerning the costs of prescription drugs, including, without limitation, the administration of NRS 439B.600 to 439B.695, inclusive, and sections 1.3 to 8, inclusive, of this act; and*

(b) *To establish and carry out programs to provide education concerning ~~asthma and diabetes and prevent those~~ chronic diseases.*

Sec. 19. NRS 600A.030 is hereby amended to read as follows:

600A.030 As used in this chapter, unless the context otherwise requires:

1. "Improper means" includes, without limitation:

- (a) Theft;
- (b) Bribery;
- (c) Misrepresentation;

(d) Willful breach or willful inducement of a breach of a duty to maintain secrecy;

(e) Willful breach or willful inducement of a breach of a duty imposed by common law, statute, contract, license, protective order or other court or administrative order; and

(f) Espionage through electronic or other means.

2. "Misappropriation" means:

(a) Acquisition of the trade secret of another by a person by improper means;

(b) Acquisition of a trade secret of another by a person who knows or has reason to know that the trade secret was acquired by improper means; or

(c) Disclosure or use of a trade secret of another without express or implied consent by a person who:

(1) Used improper means to acquire knowledge of the trade secret;

(2) At the time of disclosure or use, knew or had reason to know that his or her knowledge of the trade secret was:

(I) Derived from or through a person who had used improper means to acquire it;

(II) Acquired under circumstances giving rise to a duty to maintain its secrecy or limit its use; or

(III) Derived from or through a person who owed a duty to the person seeking relief to maintain its secrecy or limit its use; or

(3) Before a material change of his or her position, knew or had reason to know that it was a trade secret and that knowledge of it had been acquired by accident or mistake.

3. "Owner" means the person who holds legal or equitable title to a trade secret.

4. "Person" means a natural person, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

5. "Trade secret":

(a) Means information, including, without limitation, a formula, pattern, compilation, program, device, method, technique, product, system, process, design, prototype, procedure, computer programming instruction or code that:

(1) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by the public or any other persons who can obtain commercial or economic value from its disclosure or use; and

(2) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

(b) Does not include any information that a manufacturer is required to report pursuant to NRS 439B.635 or 439B.640, information that a pharmaceutical sales representative is required to report pursuant to NRS 439B.660, ~~for~~ information that a pharmacy benefit manager is required to report pursuant to NRS 439B.645 ~~for~~ or information that a wholesaler is

required to report pursuant to section 6 of this act, to the extent that such information is required to be disclosed by those sections.

Sec. 19.5. NRS 689A.405 is hereby amended to read as follows:

689A.405 1. An insurer that offers or issues a policy of health insurance which provides coverage for prescription drugs shall include with any summary, certificate or evidence of that coverage provided to an insured, notice of whether a formulary is used and, if so, of the opportunity to secure information regarding the formulary from the insurer pursuant to subsection 2. The notice required by this subsection must:

(a) Be in a language that is easily understood and in a format that is easy to understand;

(b) Include an explanation of what a formulary is; and

(c) If a formulary is used, include:

(1) An explanation of:

(I) How often the contents of the formulary are reviewed; and

(II) The procedure and criteria for determining which prescription drugs are included in and excluded from the formulary; and

(2) The telephone number of the insurer for making a request for information regarding the formulary pursuant to subsection 2.

2. If an insurer offers or issues a policy of health insurance which provides coverage for prescription drugs and a formulary is used, the insurer shall:

(a) Provide to any insured or participating provider of health care, upon request:

(1) Information regarding whether a specific drug is included in the formulary.

(2) Access to the most current list of prescription drugs in the formulary, organized by major therapeutic category, with an indication of whether any listed drugs are preferred over other listed drugs. If more than one formulary is maintained, the insurer shall notify the requester that a choice of formulary lists is available.

(b) Notify each person who requests information regarding the formulary, that the inclusion of a drug in the formulary does not guarantee that a provider of health care will prescribe that drug for a particular medical condition.

(c) During each period for open enrollment, publish on an Internet website that is operated by the insurer and accessible to the public or include in any enrollment materials distributed by the insurer a notice of all prescription drugs that:

(1) Are included on the most recent list of drugs that are essential for treating asthma and diabetes in this State compiled by the Department of Health and Human Services pursuant to paragraph (a) of subsection 1 of NRS 439B.630; and

(2) Have been removed or will be removed from the formulary during the current plan year or the next plan year.

(d) Update the notice required by paragraph (c) throughout the period for open enrollment.

Sec. 20. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee, other than the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance, may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after March 22, 2021.

Senator Ratti moved that the Senate concur in Assembly Amendment No. 855 to Senate Bill No. 380.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 448.

The following Assembly amendment was read:

Amendment No. 831.

JOINT SPONSORS: ASSEMBLYMEN MONROE-MORENO, FRIERSON ~~AND~~ , CARLTON, MARZOLA, WATTS; BILBRAY-AXELROD, BROWN-MAY, DURAN, FLORES, GONZÁLEZ, GORELOW, JAUREGUI, C.H. MILLER, NGUYEN, ORENTLICHER ~~AND~~ , PETERS, THOMAS, TORRES AND YEAGER

SUMMARY—Revises provisions governing public utilities. (BDR 58-46)

AN ACT relating to utilities; revising provisions governing partial tax abatements for certain renewable energy facilities; revising provisions governing the use of money in the Renewable Energy Account; repealing provisions governing the Electric Vehicle Infrastructure Demonstration Program; requiring an electric utility to submit a plan to accelerate transportation electrification in this State; requiring an electric utility to file a plan for certain high-voltage transmission infrastructure projects; requiring the Public Utilities Commission of Nevada to require a transmission provider to join a regional transmission organization; creating and setting forth the powers, duties and membership of the Regional Transmission Coordination Task Force; providing that there is no presumption that the expenditures of a utility were prudently incurred for certain purposes; revising the definition of public utility; revising provisions governing the disposal of generation assets; revising provisions governing the Economic Development Electric Rate Rider Program; revising requirements for the energy efficiency plan of an electric utility; abolishing the New Energy Industry Task Force; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person who intends to locate a facility for the generation of process heat from solar renewable energy or a wholesale facility for the generation of renewable energy in this State to apply to the Director of the Office of Energy within the Office of the Governor for a partial abatement of certain sales and use taxes or property taxes. (NRS 701A.360) Section 7 of this bill authorizes a person who intends to locate a facility for the storage of energy from renewable generation or a hybrid renewable generation and energy storage facility in this State to apply for this partial tax abatement as

well. Sections 3-5 of this bill define additional terms related to this partial tax abatement. Section 8 of this bill makes a conforming change to reflect that a partial tax abatement may be granted for a facility for the storage of energy from renewable generation or a hybrid renewable generation and energy storage facility, ~~and~~ and revises the meaning of the term "wages" for the purposes of determining the eligibility of certain renewable energy facilities for certain partial tax abatements.

Existing law creates the Renewable Energy Account and requires that not less than 75 percent of the money in the Account be used to offset the cost of electricity to or the use of electricity by certain retail electric customers. (NRS 701A.450) Section 8.5 of this bill removes this requirement and instead provides that the money in the Account must be used for such purposes as the Director may establish by regulation.

Existing law creates an Electric Vehicle Infrastructure Demonstration Program, in connection with which a utility is required to submit to the Public Utilities Commission of Nevada an annual plan for carrying out the Program in the service area of the utility. (NRS 701B.670) Section 10 of this bill removes the requirement for a utility to submit an annual plan for carrying out the Program. Section 56 of this bill repeals the remaining provisions of law relating to the Program. Sections 9 and 48 of this bill remove provisions of law which reference the Program.

Existing law requires each electric utility to submit to the Public Utilities Commission of Nevada every 3 years an integrated resource plan to increase the utility's supply of electricity or decrease the demands made on its system by its customers. Existing law provides that the integrated resource plan must include certain components, including, without limitation, a plan for the construction or expansion of transmission facilities to serve renewable energy zones and to facilitate the utility in meeting the portfolio standard. (NRS 704.741) Sections 39 and 41 of this bill remove the requirement for an electric utility to include a plan for the construction or expansion of transmission facilities to serve renewable energy zones and to facilitate the utility in meeting the portfolio standard in its resource plan. Instead, sections 15-24 of this bill require an electric utility, on or before September 1, 2021, to amend its most recently filed resource plan to include a plan for certain high-voltage transmission infrastructure construction projects that will be placed into service not later than December 31, 2028. Section 39 requires the integrated resource plan, with respect to the possible sources of supply of the electric utility, to include at least one scenario of low carbon dioxide emissions that uses sources of supply that will achieve certain reductions in carbon dioxide emissions. Sections 39 and 41 also revise provisions governing the proposal for certain expenditures related to energy efficiency and conservation programs which must be included in the integrated resource plan.

Section 30 of this bill requires the Public Utilities Commission of Nevada to require every transmission provider in this State to join a regional transmission organization on or before January 1, 2030, unless the

transmission provider obtains a waiver or delay of the requirement from the Commission. Sections 26-29 of this bill define terms related to transmission providers and regional transmission organizations.

Sections 31-34 of this bill create and set forth the membership and duties of the Regional Transmission Coordination Task Force. Section 33 of this bill requires the Task Force to advise the Governor and the Legislature on topics and policies related to energy transmission in this State, including the costs and benefits of the transmission providers in this State joining a regional transmission organization. Sections 26-29 of this bill define terms related to regional transmission organizations and the Task Force.

Sections 14 and 39 of this bill require an electric utility to include a plan to accelerate transportation electrification in the distributed resources plan submitted by the utility as part of its integrated resource plan. Section 40 of this bill establishes factors which must be considered by the Commission in deciding whether to accept or modify a transportation electrification plan which has been submitted by a utility. Section 1 of this bill sets forth certain findings of the Legislature which are relevant to the transportation electrification plan. Section 51 of this bill provides that an electric utility is not required to include a transportation electrification plan in its resource plan filed on or before June 1, 2021, but an electric utility is required to file an amendment to its resource plan to add a transportation electrification plan on or before September 1, 2022. Section 38 of this bill makes a conforming change.

Section 49 of this bill requires an electric utility, on or before September 1, 2021, to file a plan to invest in certain transportation electrification programs during the period beginning January 1, 2022, and ending on December 31, 2024, and establishes requirements for the contents of the transportation electrification investment plan for that period. Section 49 also establishes requirements for the review and the acceptance or modification of the transportation electrification investment plan by the Commission.

Section 35 of this bill provides that there is no presumption that the expenses, investments or other costs incurred by a utility were prudently incurred and places the burden on the utility to demonstrate that expenses, investments or other costs were prudently and reasonably incurred. Section 37 of this bill makes a conforming change to indicate the proper placement of section 35 in the Nevada Revised Statutes.

Section 36 of this bill provides that a person is not a public utility if he or she owns or operates a net metering system that provides electricity to multiple units or spaces on the same premises as the net metering system if the electricity is delivered only to units or spaces on the same premises as the net metering system, there are no individual meters measuring electricity use by the units or spaces and the persons occupying the units or spaces are not charged for electricity based upon volumetric electricity use.

Existing law authorizes an electric utility to dispose of its generation assets pursuant to an authorized merger, acquisition or transaction or pursuant to an

authorized transfer of its certificate of public convenience and necessity if the merger, acquisition, transaction or transfer satisfies certain requirements, including that the other person in the merger, acquisition, transaction or transfer is not a subsidiary, affiliate or a person that holds a controlling interest in the electric company. (NRS 704.7591) Section 42 of this bill removes the requirement that the other person involved in the merger, acquisition, transaction or transfer is not a subsidiary, affiliate or a person that holds a controlling interest in the electric utility and instead requires that the disposal of the generation assets be approved in an order issued by the Commission.

Existing law establishes the Economic Development Electric Rate Rider Program to encourage the location or relocation of new businesses in this State by providing discounted rates for electricity to eligible participants. (NRS 704.7871-704.7882) The Commission is required to establish the discounted electric rates that may be charged pursuant to the Program as a percentage of the base tariff energy rate. (NRS 704.7881) Existing law prohibits the Office of Economic Development within the Office of the Governor from accepting an application or approving an applicant for participation in the Program after the earlier of December 31, 2017, or the date on which the capacity set aside for allocation pursuant to the Program is fully allocated. (NRS 704.788) Section 45 of this bill prohibits the Office of Economic Development from accepting an application or approving an applicant for participation in the Program after the earlier of December 31, 2024, or the date on which the capacity set aside for allocation pursuant to the Program is fully allocated. Section 46 of this bill modifies provisions governing the maximum amount of the discount which the Commission is authorized to establish for the rate charged under the Program. Section 47 of this bill requires the Commission to submit a report concerning the Program on or before December 31, 2022, for transmittal to the 82nd Session of the Legislature.

Existing law requires the Commission to establish goals for energy savings for each electric utility for each calendar year and also requires each electric utility to implement an energy efficiency plan which is cost effective and designed to meet the goals for energy savings established by the Commission. Existing law further requires that at least 5 percent of the expenditures related to energy efficiency programs must be directed toward low-income customers of the electric utility. (NRS 704.741, 704.7836) Sections 39, 41 and 44 of this bill require that at least 10 percent of the expenditures related to energy efficiency programs must be spent on energy efficiency measures for customers in low-income households and residential customers and public schools in historically underserved communities. Additionally, section 44 provides that programs that can offer variable incentive levels must offer higher incentive levels for low-income households. Section 54 of this bill requires an electric utility to amend its energy efficiency plan to conform with the amendatory provisions of this bill. Sections 12 and 13 of this bill define terms relating to the energy efficiency plan. Section 43 makes a conforming

change to indicate the proper placement of sections 12 and 13 in the Nevada Revised Statutes.

Existing law creates the New Energy Industry Task Force which is charged with advising the Director of the Office of Energy on measures to promote the development of renewable energy and energy efficiency projects. (NRS 701.500, 701.510) Section 55 of this bill abolishes the Task Force.

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

Section 1. The Legislature hereby finds and declares that:

1. Human activities, including, without limitation, the burning of fossil fuels for electricity, transportation and heat in buildings, cause the release of greenhouse gases that trap heat in the Earth's atmosphere, and these human activities have been and continue to be the primary driver of global climate change.

2. The transportation sector now accounts for the greatest percentage of greenhouse gas emission in Nevada, and, based on current policies, is projected to remain the largest contributor of greenhouse gas emissions through 2030.

3. Pursuant to NRS 445B.380, the Legislature has established goals to achieve reductions in Nevada's net greenhouse gas emissions, relative to 2005 emissions, of 28 percent by the year 2025, 45 percent by the year 2030 and zero or near-zero emissions by the year 2050.

4. Meeting these greenhouse gas emission goals will require substantial further reductions in Nevada's transportation sector emissions below the current projected emission levels for that sector for 2025 and 2030.

5. Accelerating the use of electric vehicles will help preserve Nevada's climate and help protect Nevadans from unhealthy air pollution.

6. Accelerating the use of electric vehicles will reduce pollution in low-income neighborhoods and communities of color that traditionally have been most affected by transportation pollution.

7. The acceleration of the use of electric vehicles will be assisted by investments in the infrastructure necessary to maximize the benefits of the expanding electric vehicle market.

8. Widespread adoption of electric vehicles requires that electric utilities increase access to electricity as a transportation fuel, including access for low-income Nevadans and historically underserved communities.

9. Widespread adoption of electric vehicles should provide consumers with fuel cost savings and electric utility customers with potential cost-saving benefits.

10. Widespread adoption of electric vehicles should stimulate innovation, competition and increased choices in charging equipment and networks and should also attract private capital investments and create high-quality jobs in Nevada.

11. Widespread adoption of electric vehicles should improve an electric utility's electrical system efficiency and operational flexibility, including,

without limitation, the ability of the electric utility to integrate variable renewable energy generation resources and to make use of off-peak generation resources.

Sec. 2. Chapter 701A of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.

Sec. 3. *"Energy storage technology" means technology that stores energy as potential, kinetic, chemical or thermal energy that can be released ~~as electric power,~~ at a later time, including, without limitation, batteries, flywheels, electrochemical capacitors, compressed-air storage and thermal storage devices.*

Sec. 4. 1. *"Facility for the storage of energy from renewable generation" means a facility that is constructed or installed for the sole purpose of storing electric energy received from a facility for the generation of electricity from renewable energy for release ~~as electric power,~~ at a later time, including, without limitation, a facility that is designed to use energy storage technology.*

2. *The term does not include a facility that is located on a residential property.*

Sec. 5. *"Hybrid renewable generation and energy storage facility" means a facility that includes both a wholesale facility for the generation of electricity from renewable energy and a facility for the storage of energy from renewable generation.*

Sec. 6. NRS 701A.300 is hereby amended to read as follows:

701A.300 As used in NRS 701A.300 to 701A.390, inclusive, *and sections 3, 4 and 5 of this act*, unless the context otherwise requires, the words and terms defined in NRS 701A.305 to 701A.345, inclusive, *and sections 3, 4 and 5 of this act* have the meanings ascribed to them in those sections.

Sec. 7. NRS 701A.360 is hereby amended to read as follows:

701A.360 1. A person who intends to locate a facility for the generation of process heat from solar renewable energy, ~~or~~ a wholesale facility for the generation of electricity from renewable energy, *a facility for the storage of energy from renewable generation or a hybrid renewable generation and energy storage facility* in this State may apply to the Director for a partial abatement of the local sales and use taxes, the taxes imposed pursuant to chapter 361 of NRS, or both local sales and use taxes and taxes imposed pursuant to chapter 361 of NRS. An applicant may submit a copy of the application to the board of county commissioners at any time after the applicant has submitted the application to the Director.

2. A facility that is owned, operated, leased or otherwise controlled by a governmental entity is not eligible for an abatement pursuant to NRS 701A.300 to 701A.390, inclusive ~~and~~, *and sections 3, 4 and 5 of this act.*

3. As soon as practicable after the Director receives an application for a partial abatement, the Director shall forward a copy of the application to:

- (a) The Chief of the Budget Division of the Office of Finance;
- (b) The Department of Taxation;

- (c) The board of county commissioners;
- (d) The county assessor;
- (e) The county treasurer; and
- (f) The Office of Economic Development.

4. With the copy of the application forwarded to the county treasurer, the Director shall include a notice that the local jurisdiction may request a presentation regarding the facility. A request for a presentation must be made within 30 days after receipt of the application.

5. The Director shall hold a public hearing on the application. The hearing must not be held earlier than 30 days after all persons listed in subsection 3 have received a copy of the application.

Sec. 8. NRS 701A.365 is hereby amended to read as follows:

701A.365 1. The Director, in consultation with the Office of Economic Development, shall approve an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, *and sections 3, 4 and 5 of this act* if the Director, in consultation with the Office of Economic Development, makes the following determinations:

(a) The applicant has executed an agreement with the Director which must:

(1) State that the facility will, after the date on which the abatement becomes effective, continue in operation in this State for a period specified by the Director, which must be at least 10 years, and will continue to meet the eligibility requirements for the abatement; and

(2) Bind the successors in interest in the facility for the specified period.

(b) The facility is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the facility operates.

(c) No funding is or will be provided by any governmental entity in this State for the acquisition, design or construction of the facility or for the acquisition of any land therefor, except any private activity bonds as defined in 26 U.S.C. § 141.

(d) Except as otherwise provided in paragraph (e), if the facility will be located in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the facility meets the following requirements:

(1) There will be 75 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Director for good cause, at least 50 percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least \$10,000,000 in this State in capital assets that will be retained at the location of the facility until at least the date which is 5 years after the date on which the abatement becomes effective;

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by

the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) Except as otherwise provided in subsection 6, the average hourly wage of the employees working on the construction of the facility will be at least 175 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that is provided by a third-party administrator and includes health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Director by regulation pursuant to NRS 701A.390.

(e) If the facility will be located in a county whose population is less than 100,000, in an area of a county whose population is 100,000 or more that is located within the geographic boundaries of an area that is designated as rural by the United States Department of Agriculture and at least 20 miles outside of the geographic boundaries of an area designated as urban by the United States Department of Agriculture, or in a city whose population is less than 60,000, the facility meets the following requirements:

(1) There will be 50 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Director for good cause, at least 50 percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least \$3,000,000 in this State in capital assets that will be retained at the location of the facility until at least the date which is 5 years after the date on which the abatement becomes effective;

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) Except as otherwise provided in subsection 6, the average hourly wage of the employees working on the construction of the facility will be at least 175 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that is provided by a third-party administrator and includes health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Director by regulation pursuant to NRS 701A.390.

(f) The financial benefits that will result to this State from the employment by the facility of the residents of this State and from capital investments by the facility in this State will exceed the loss of tax revenue that will result from the abatement.

(g) The facility is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053.

2. The Director shall not approve an application for a partial abatement of the taxes imposed pursuant to chapter 361 of NRS submitted pursuant to NRS 701A.360 by a facility for the generation of process heat from solar renewable energy, ~~for~~ a wholesale facility for the generation of electricity from renewable energy, *a facility for the storage of energy from renewable generation or a hybrid renewable generation and energy storage facility* unless the application is approved or deemed approved pursuant to this subsection. The board of county commissioners of a county must provide notice to the Director that the board intends to consider an application and, if such notice is given, must approve or deny the application not later than 30 days after the board receives a copy of the application. The board of county commissioners:

(a) Shall, in considering an application pursuant to this subsection, make a recommendation to the Director regarding the application;

(b) May, in considering an application pursuant to this subsection, deny an application only if the board of county commissioners determines, based on relevant information, that:

(1) The projected cost of the services that the local government is required to provide to the facility will exceed the amount of tax revenue that the local government is projected to receive as a result of the abatement; or

(2) The projected financial benefits that will result to the county from the employment by the facility of the residents of this State and from capital investments by the facility in the county will not exceed the projected loss of tax revenue that will result from the abatement;

(c) Must not condition the approval of the application on a requirement that the facility agree to purchase, lease or otherwise acquire in its own name or on behalf of the county any infrastructure, equipment, facilities or other property in the county that is not directly related to or otherwise necessary for the construction and operation of the facility; and

(d) May, without regard to whether the board has provided notice to the Director of its intent to consider the application, make a recommendation to the Director regarding the application.

➡ If the board of county commissioners does not approve or deny the application within 30 days after the board receives from the Director a copy of the application, the application shall be deemed approved.

3. Notwithstanding the provisions of subsection 1, the Director, in consultation with the Office of Economic Development, may, if the Director, in consultation with the Office, determines that such action is necessary:

(a) Approve an application for a partial abatement for a facility that does not meet any requirement set forth in subparagraph (1) or (2) of paragraph (d) of subsection 1 or subparagraph (1) or (2) of paragraph (e) of subsection 1; or

(b) Add additional requirements that a facility must meet to qualify for a partial abatement.

4. The Director shall cooperate with the Office of Economic Development in carrying out the provisions of this section.

5. The Director shall submit to the Office of Economic Development an annual report, at such a time and containing such information as the Office may require, regarding the partial abatements granted pursuant to this section.

6. The provisions of subparagraph (4) of paragraph (d) of subsection 1 and subparagraph (4) of paragraph (e) of subsection 1 concerning the average hourly wage of the employees working on the construction of a facility do not apply to the wages of an apprentice as that term is defined in NRS 610.010.

7. As used in this section, "wage" or "wages":

(a) Means ~~the~~ :

(1) The basic hourly rate of pay ~~is~~; and

(2) The amount of any hourly contribution made to a third-party administrator pursuant to a pension plan or vacation plan which is for the benefit of the employee.

(b) ~~Does~~ Except as provided in paragraph (a), does not include the amount of any health insurance plan, pension or other bona fide fringe benefits which are a benefit to the employee.

Sec. 8.5. NRS 701A.450 is hereby amended to read as follows:

701A.450 1. The Renewable Energy Account is hereby created in the State General Fund.

2. The Director of the Office of Energy appointed pursuant to NRS 701.150 shall administer the Account.

3. The interest and income earned on the money in the Account must be credited to the Account.

4. ~~[Not less than 75 percent of the]~~ The money in the Account must be used ~~[to offset the cost of electricity to or the use of electricity by retail customers of a public utility that is subject to the portfolio standard established by the Public Utilities Commission of Nevada pursuant to NRS 704.7821.]~~ for such purposes as the Director of the Office of Energy may establish by regulation.

5. 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.

6. The Director ~~[of the Office of Energy]~~ may by regulation establish ~~the~~

~~(a) Other uses of the money in the Account; and~~

~~(b) A.]~~ a procedure by which any officer or employee of the State to whom the Director has made a loan or other distribution of money from the Account may enter into an agreement with the Director pursuant to which repayment of the loan or other distribution of money may be made through payroll deductions.

Sec. 9. NRS 701B.005 is hereby amended to read as follows:

701B.005 1. For the purposes of carrying out the Solar Energy Systems Incentive Program created by NRS 701B.240, and subject to the limitations prescribed by subsections 2 and 3, the Public Utilities Commission of Nevada shall set incentive levels and schedules, with a goal of approving solar energy systems totaling at least 250,000 kilowatts of capacity in this State for the period beginning on July 1, 2010, and ending on December 31, 2021.

2. Subject to the limitation prescribed by subsection 3, the Commission may authorize the payment of an incentive pursuant to the Solar Energy Systems Incentive Program created by NRS 701B.240, the Wind Energy Systems Demonstration Program created by NRS 701B.580 ~~[, the Electric Vehicle Infrastructure Demonstration Program created by NRS 701B.670]~~ and the Waterpower Energy Systems Demonstration Program created by NRS 701B.820 if the payment of the incentive would not cause the total amount of incentives paid by all utilities in this State for the installation of ~~[electric vehicle infrastructure,]~~ solar energy systems, solar distributed generation systems, energy storage systems, wind energy systems and waterpower energy systems to exceed \$295,270,000 for the period beginning on July 1, 2010, and ending on December 31, 2025.

3. For the period beginning on January 1, 2018, and ending on December 31, 2023, the Commission shall, from the money allocated for the payment of an incentive pursuant to subsection 2, authorize the payment of incentives in an amount of not more than \$1,000,000 per year for the installation of solar energy systems and distributed generation systems at locations throughout the service territories of utilities in this State that benefit low-income customers, including, without limitation, homeless shelters, low-income housing developments and public entities, other than municipalities, that serve significant populations of low-income residents.

4. The Commission may, subject to the limitations prescribed by subsections 2 and 3, authorize the payment of performance-based incentives for the period ending on December 31, 2025.

5. A utility may file with the Commission one combined annual plan which meets the requirements set forth in NRS 701B.230, 701B.610 and 701B.850. The Commission shall review and approve any plan submitted pursuant to this subsection in accordance with the requirements of NRS 701B.230, 701B.610 and 701B.850, as applicable.

6. As used in this section:

(a) "Distributed generation system" has the meaning ascribed to it in NRS 701B.055.

(b) ~~["Electric vehicle infrastructure" has the meaning ascribed to it in NRS 701B.670.~~

~~—(c) "Energy storage system" has the meaning ascribed to it in NRS 701B.057.~~

~~[(d)] (c) "Municipality" means any county or city in this State.~~

~~[(e)] (d) "Utility" means a public utility that supplies electricity in this State.~~

Sec. 10. NRS 701B.670 is hereby amended to read as follows:

701B.670 1. The Legislature hereby finds and declares that it is the policy of this State to expand and accelerate the deployment of electric vehicles and supporting infrastructure throughout this State.

2. The Electric Vehicle Infrastructure Demonstration Program is hereby created.

3. The Commission shall adopt regulations to carry out the provisions of the Electric Vehicle Infrastructure Demonstration Program . ~~[-including, without limitation, regulations that require a utility to submit to the Commission an annual plan for carrying out the Program in its service area. The annual plan submitted by a utility may include any measure to promote or incentivize the deployment of electric vehicle infrastructure, including, without limitation:~~

~~—(a) The payment of an incentive to a customer of the utility that installs or provides electric vehicle infrastructure;~~

~~—(b) Qualifications and requirements an applicant must meet to be eligible to be awarded an incentive;~~

~~—(c) The imposition of a rate by the utility to require the purchase of electric service for the charging of an electric vehicle at a rate which is based on the time of day, day of the week or time of year during which the electricity is used, or which otherwise varies based upon the time during which the electricity is used, if a customer of the utility participates in the Electric Vehicle Infrastructure Demonstration Program;~~

~~—(d) The establishment of programs directed by the utility to promote electric vehicle infrastructure, including, without limitation, education and awareness programs for customers of the utility, programs to provide technical assistance related to the charging of electric vehicles to governmental entities or the owners or operators of large fleets of motor vehicles and programs to create partnerships with private organizations to promote the development of electric vehicle infrastructure; and~~

~~—(e) The payment of an incentive to a customer of the utility that is a public school, as defined in NRS 385.007, that installs electric vehicle infrastructure on the property of the public school or purchases electric vehicles dedicated to the transportation of students, not to exceed 75 percent of the cost to install such infrastructure or purchase such vehicles.]~~

4. ~~[The Commission shall:~~

~~—(a) Review each annual plan submitted by a utility pursuant to the regulations adopted pursuant to subsection 3 for compliance with the requirements established by the Commission; and~~

~~—(b) Approve each annual plan with such modifications and upon such terms and conditions as the Commission finds necessary or appropriate to facilitate the Electric Vehicle Infrastructure Demonstration Program.~~

~~—5.} Each utility:~~

(a) Shall carry out and administer the Electric Vehicle Infrastructure Demonstration Program within its service area ~~[in accordance with its annual plan]~~ as approved by the Commission ; ~~[pursuant to subsection 4;]~~ and

(b) May recover its reasonable and prudent costs, including, without limitation, customer incentives, that are associated with carrying out and administering the Program within its service area by seeking recovery of those costs in an appropriate proceeding before the Commission pursuant to NRS 704.110.

~~{6.}~~ 5. As used in this section:

(a) "Electric vehicle" means a vehicle powered solely by one or more electric motors.

(b) "Electric vehicle infrastructure" includes, without limitation, electric vehicles and the charging stations for the recharging of electric vehicles.

Sec. 11. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 12 to 35, inclusive, of this act.

Sec. 12. 1. *"Historically underserved community" means:*

(a) *A census tract:*

(1) *Designated as a qualified census tract by the Secretary of Housing and Urban Development pursuant to 26 U.S.C. § 42(d)(5)(B)(ii); or*

(2) *In which, in the immediately preceding census, at least 20 percent of households were not proficient in the English language;*

(b) *A public school in this State:*

(1) *In which 75 percent or more of the enrolled pupils in the school are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.; or*

(2) *That participates in universal meal service in high poverty areas pursuant to Section 104 of the Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296; or*

(c) *Qualified tribal land, as defined in NRS 370.0325.*

2. As used in this section:

(a) *"Block" means the smallest geographical unit whose boundaries were designated by the Bureau of the Census of the United States Department of Commerce in its topographically integrated geographic encoding and referencing system.*

(b) *"Block group" means a combination of blocks whose numbers begin with the same digit.*

(c) *"Census tract" means a combination of block groups.*

Sec. 13. *"Low-income household" means a household, which may include one or more persons, with a median household income of not more than 80 percent of the area median household income, based on the guidelines published by the United States Department of Housing and Urban Development.*

Sec. 14. 1. *An electric utility in this State shall file with the Commission, as part of the distributed resources plan required to be submitted pursuant to NRS 704.741, a plan to accelerate transportation electrification in this State. Two or more electric utilities that are affiliated through common ownership and that have an interconnected system for the transmission of electricity shall submit a joint plan.*

2. *A plan submitted pursuant to subsection 1 may include:*

(a) *Investments or incentives to facilitate the deployment of charging infrastructure and associated electrical equipment which supports transportation electrification across all customer classes including, without limitation, investments or incentives for residential charging infrastructure at single-family homes and multi-unit dwellings for both shared and assigned parking spaces;*

(b) *Investments or incentives to facilitate the electrification of public transit and publicly owned vehicle fleets;*

(c) *Investments or incentives to increase access to the use of electricity as a transportation fuel in historically underserved communities;*

(d) *Rate designs, programs or management systems that encourage the charging of vehicles in a manner that supports the operation and optimal integration of transportation electrification into the electric grid, including, without limitation, proposed schedules necessary to implement the rate designs or programs; and*

(e) *Customer education and culturally competent and linguistically appropriate outreach programs that increase awareness of investments, incentives, rate designs and programs of the type listed in paragraphs (a) to (d), inclusive, and of the benefits of transportation electrification.*

3. *During the 9 months immediately before an electric utility files its first plan pursuant to subsection 1 and during the 12 months immediately before an electric utility files any subsequent plan pursuant to subsection 1, the electric utility shall conduct at least one stakeholder engagement meeting each calendar quarter to discuss the development of the plan and to solicit comments and gather ideas for improvements or additions to the plan which support transportation electrification. Each stakeholder engagement meeting must be open to participation by the Regulatory Operations Staff of the Commission, personnel from the Bureau of Consumer Protection in the Office of the Attorney General and any other interested person. Each plan filed pursuant to subsection 1 must include a summary of the stakeholder engagement meetings conducted in the 9- or 12-month period, as applicable, immediately preceding the filing of the plan, which must include, without limitation, summaries of the comments and ideas provided by the participants.*

4. Not more than 60 days after the issuance of an order by the Commission pursuant to NRS 704.751 approving or modifying a plan submitted pursuant to subsection 1, an electric utility which supplies electricity in this State shall file with the Commission any schedules necessary to implement the rate designs and programs included in the plan.

5. The Commission shall adopt regulations necessary to carry out the provisions of this section. The regulations adopted pursuant to this section may require an annual review of the progress and budgets of an approved plan submitted pursuant to this section.

6. To the extent that a plan submitted pursuant to subsection 1 includes programs in which customers may participate, eligibility for participation by customers in such programs must be offered by the electric utility on a nondiscriminatory basis to both bundled retail customers and eligible customers, as defined in NRS 704B.080, who purchase or plan to purchase electricity from a provider of new electric resources, as defined in NRS 704B.130.

7. As used in this section:

(a) "Block" means the smallest geographical unit whose boundaries were designated by the Bureau of the Census of the United States Department of Commerce in its topographically integrated geographic encoding and referencing system.

(b) "Block group" means a combination of blocks whose numbers begin with the same digit.

(c) "Census tract" means a combination of block groups.

(d) "Electric utility" has the meaning ascribed to it in NRS 704.187.

(e) "Historically underserved community" means:

(1) A census tract:

(I) Designated as a qualified census tract by the Secretary of Housing and Urban Development pursuant to 26 U.S.C. § 42(d)(5)(B)(ii); or

(II) In which, in the immediately preceding census, at least 20 percent of households were not proficient in the English language;

(2) A public school in this State:

(I) In which 75 percent or more of the enrolled pupils in the school are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.; or

(II) That participates in universal meal service in high poverty areas pursuant to Section 104 of the Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296; or

(3) Qualified tribal land, as defined in NRS 370.0325.

(f) "Transportation electrification" means the use of electricity from external sources to power, wholly or in part, passenger vehicles, trucks, buses, trains, boats or other equipment that transports goods or people.

Sec. 15. As used in sections 15 to 24, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 16 to 20, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 16. "Electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 17. "Electric utility that primarily serves densely populated counties" has the meaning ascribed to it in NRS 704.110.

Sec. 18. "Electric utility that primarily serves less densely populated counties" has the meaning ascribed to it in NRS 704.110.

Sec. 19. "High-voltage transmission infrastructure" means bulk transmission lines capable of transmitting electricity at a voltage of 345 kilovolts or more, and associated electrical substations and substation expansions to accommodate the transmission lines.

Sec. 20. "Transmission infrastructure for a clean energy economy plan" or "plan" means a plan filed by an electric utility with the Commission pursuant to section 21 of this act.

Sec. 21. 1. On or before September 1, 2021, an electric utility shall file an amendment to its most recent resource plan filed pursuant to NRS 704.741 to incorporate into the resource plan a transmission infrastructure for a clean energy economy plan which sets forth a plan for the construction of high-voltage transmission infrastructure that will be placed into service not later than December 31, 2028, to:

(a) Assure a reliable and resilient transmission network in this State to serve the existing and currently projected transmission service obligations of the electric utility;

(b) Assist the utility in meeting the portfolio standard established by NRS 704.7821 and the goals for the reduction of greenhouse gas emissions set forth in NRS 445B.380 and 704.7820;

(c) Promote economic development in this State, including, without limitation, by creating jobs, expanding the tax base or providing other economic benefits;

(d) Expand transmission access to renewable energy zones designated by the Commission pursuant to subsection 2 of NRS 704.741 to promote the development and use of renewable energy resources in this State;

(e) Use federally granted rights-of-way within designated renewable energy transmission corridors before the expiration of such rights-of-way; and

(f) Support the development of regional transmission interconnections that may be required for:

(1) This State to cost-effectively achieve the goals for the reduction of greenhouse gas emissions set forth in NRS 445B.380 and 704.7820; and

(2) The electric utility to participate fully in any future organized competitive regional wholesale electricity market on the Western Interconnection.

↪ Two or more utilities that are affiliated through common ownership and that have an interconnected system for the transmission of electricity shall submit a joint plan.

2. The plan submitted pursuant to subsection 1 must not include any project other than the following high-voltage transmission infrastructure

projects for which the Commission has previously approved conceptual designs, permitting and land acquisition:

(a) A project for the implementation of high-voltage transmission infrastructure interconnecting northwest and northeast Nevada, which will increase the transmission import capacity of northern Nevada by not less than 800 megawatts.

(b) A project for the implementation of high-voltage transmission infrastructure located in southern Nevada and accessing a federally designated renewable energy transmission corridor that will accommodate future renewable energy development and increased demand for electricity.

3. Except as otherwise provided in this subsection, if an electric utility that primarily serves densely populated counties and an electric utility that primarily serves less densely populated counties submit a joint plan pursuant to subsection 1, 70 percent of the costs of high-voltage transmission infrastructure projects included in the plan must be allocated to the electric utility that primarily serves densely populated counties and 30 percent of such costs must be allocated to the electric utility that primarily serves less densely populated counties. The Commission may review and reassess the allocation of costs between electric utilities based on the actual benefits that accrue to the electric utilities after the projects are in service. The Commission retains full authority to decide any request by an electric utility for the recovery of such costs before a high-voltage transmission infrastructure project is placed into service, and to determine if any proposed financial incentive will be provided on the recovery of such costs.

4. The plan submitted pursuant to subsection 1 must include an evaluation of the impact that the implementation of the plan will have on:

(a) The reliability of the transmission network of the utility;

(b) The resilience of the transmission network of the utility, including, without limitation, the ability of the transmission network to withstand natural or manmade events that could otherwise disrupt the provision of electric service in this State;

(c) The development and use of renewable energy resources in this State;

(d) Economic activity and economic development in this State over a period of not less than 20 years from the date of the plan, including, without limitation, capital investments, the direct or indirect creation of jobs and additions to the tax base of this State;

(e) The projected carbon dioxide emissions of the utility resulting from the generation of electricity, including, without limitation, carbon dioxide emissions from the generation of electricity that is purchased by the electric utility;

(f) The ability of the utility to diversify its supply portfolio of renewable energy resources by including larger amounts of geothermal energy generation and hydrogeneration;

(g) *The ability of the utility to reliably integrate into its supply portfolio larger amounts of electricity from variable renewable energy resources, including, without limitation, solar and wind energy resources;*

(h) *The ability of the utility to reduce its energy supply costs by selling to other states electricity generated in this State from renewable energy during periods when the utility's supply of electricity exceeds the demand for electricity by the customers of the utility;*

(i) *The ability of the utility to reduce its energy supply costs by purchasing electricity generated in other states from renewable energy during periods when the demand for electricity by the customers of the utility exceeds the availability of electricity from renewable generation in this State;*

(j) *The utility's provision of open access to interstate and intrastate transmission services, in accordance with the utility's open access transmission tariff, to other persons in this State using the utility's transmission network, including, without limitation, eligible customers, as defined in NRS 704B.080, and providers of new electric resources, as defined in NRS 704B.130, who are or intend to become customers of the utility's interstate transmission services;*

(k) *The ability of the utility to accommodate requests for access to renewable energy resources that will allow customers who want to acquire all of their energy from zero carbon dioxide emission resources to do so;*

(l) *The development of regional transmission interconnections that may be required for this State to cost-effectively achieve the goals for the reduction of greenhouse gas emissions set forth in NRS 445B.380 and 704.7820 or for the electric utility to participate fully in any future organized competitive regional wholesale electricity market on the Western Interconnection;*

(m) *The rates charged to the bundled retail customers of the utility; and*

(n) *The financial risk to the customers of the utility.*

5. As used in this section, "Western Interconnection" means the synchronously operated electric transmission grid located in the western part of North America, including parts of Montana, Nebraska, New Mexico, South Dakota, Texas, Wyoming and Mexico and all of Arizona, California, Colorado, Idaho, Nevada, Oregon, Utah, Washington and the Canadian Provinces of British Columbia and Alberta.

Sec. 22. 1. In implementing a transmission infrastructure for a clean energy economy plan, an electric utility shall mitigate costs to the extent possible by utilizing available federal tax incentives and federal funding, including, without limitation, direct and indirect grants and loan guarantees.

2. If, in any general rate proceeding filed by an electric utility pursuant to NRS 704.110 or 704.7621, the electric utility includes a request for recovery of any amount related to the implementation of a transmission infrastructure for a clean energy economy plan and the recovery of such an amount would result in an increase in the electric utility's total revenue requirement of more than 10 percent, the utility must propose a method or mechanism by which such an increase may be mitigated. The Commission may accept or reject such

a rate method or mechanism and is not obligated to implement any proposed mitigation plan. If a mechanism is implemented to mitigate an increase in the electric utility's total revenue requirement pursuant to this section, the electric utility is entitled to recover all of its prudently and reasonably incurred costs and a return on its investment. Nothing in this subsection shall be construed as requiring the Commission to provide a financial incentive to an electric utility.

Sec. 23. *An electric utility may file an amendment to a transmission infrastructure for a clean energy economy plan as an amendment to its resource plan as provided in NRS 704.751.*

Sec. 24. *If the Commission deems inadequate any portion of a transmission infrastructure for a clean energy economy plan or any amendment to the plan, the Commission, as provided in NRS 704.751, may recommend to the electric utility a modification of that portion of the plan or amendment, and the electric utility may:*

- 1. Accept the modification; or*
- 2. Withdraw the proposed plan or amendment.*

Sec. 25. *As used in sections 25 to 34, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 26 to 29, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 26. *"Regional transmission organization" means an entity established for the purpose of coordinating and efficiently managing the dispatch and transmission of electricity among public utilities on a multistate or regional basis that:*

- 1. Is approved by the Federal Energy Regulatory Commission;*
- 2. Effectuates separate control of transmission facilities from control of generation facilities;*
- 3. Implements, to the extent reasonably possible, policies and procedures designed to minimize pancaked transmission rates;*
- 4. Improves service reliability within this State;*
- 5. Achieves the objectives of an open and competitive wholesale electric generation marketplace, elimination of barriers to market entry and preclusion of control of bottleneck electric transmission facilities in the provision of retail electric service;*
- 6. Is of sufficient scope or otherwise operates to substantially increase economical supply options for customers;*
- 7. Has a structure of governance or control that is independent of the users of the transmission facilities, and no member of its board of directors has an affiliation with a user or with an affiliate of a user during the member's tenure on the board so as to unduly affect the regional transmission organization's performance;*
- 8. Operates under policies that promote positive performance designed to satisfy the electricity requirements of customers;*

9. *Has an inclusive and open stakeholder process that does not place unreasonable burdens on or preclude meaningful participation by any stakeholder group;*

10. *Promotes and assists new economic development in this State; and*

11. *Is capable of maintaining real-time reliability of the transmission system, ensuring comparable and nondiscriminatory access and necessary service, minimizing system congestion and further addressing real or potential transmission constraints.*

Sec. 27. "Task Force" means the Regional Transmission Coordination Task Force created by section 31 of this act.

Sec. 28. "Transmission provider" means a public utility that owns, controls or operates facilities used for the transmission of electricity in interstate commerce and provides transmission service under a tariff approved by the Federal Energy Regulatory Commission.

Sec. 29. "User" means any entity or affiliate of an entity that buys or sells electricity in the regional transmission organization's region or in a neighboring region.

Sec. 30. 1. Except as otherwise provided in subsection 2, the Commission shall require every transmission provider in this State to join a regional transmission organization on or before January 1, 2030.

2. Upon application by a transmission provider, the Commission may waive or delay the requirement in subsection 1 if:

(a) The transmission provider files an application with the Commission on or before January 1, 2027, requesting the waiver or delay;

(b) The transmission provider demonstrates:

(1) That the transmission provider has made all reasonable efforts to comply with the requirement but is unable to find a viable and available regional transmission organization that the transmission provider can join on or before January 1, 2030; or

(2) That it would not be in the best interests of the transmission provider and its customers to join a regional transmission organization on or before January 1, 2030; and

(c) The Commission determines that it is in the public interest to grant the requested waiver or delay.

Sec. 31. 1. The Regional Transmission Coordination Task Force is hereby created.

2. The Governor shall appoint a person to act as the Chair of the Task Force who serves at the pleasure of the Governor. The Chair is a voting member of the Task Force.

3. In addition to the Chair, the Task Force consists of:

(a) The following voting members, appointed by the Governor:

(1) A representative of an electric utility that primarily serves densely populated counties, as defined in NRS 704.110;

(2) A representative of an organization that represents rural electric cooperatives and municipally owned electric utilities in this State;

- (3) A representative of the Colorado River Commission;
- (4) A representative of a transmission line development company operating in this State;
- (5) A representative of the large-scale solar energy industry in this State;
- (6) A representative of the geothermal energy industry in this State;
- (7) A representative of the data center businesses in this State;
- (8) A representative of an organization that represents the mining industry in this State;
- (9) A representative of an organization that represents the gaming and resort businesses in this State;
- (10) A representative of a labor organization in this State;
- (11) A representative of an organization in this State that advocates on behalf of environmental or public lands issues who has expertise in or knowledge of environmental or public lands issues;
- (12) A representative of the Nevada Indian Commission;
- ~~(13)~~ A representative of the Office of Energy;
- ~~(13)~~ (14) A representative of the Office of Economic Development;
- ~~(14)~~ (15) Two members of the Senate, nominated by the Majority Leader of the Senate, at least one of whom must be a member of the minority political party;
- ~~(15)~~ (16) Two members of the Assembly, nominated by the Speaker of the Assembly, at least one of whom must be a member of the minority political party; and
- ~~(16)~~ (17) Not more than three persons who represent the general public.

(b) The following nonvoting members, appointed by the Governor:

- (1) A representative of the Public Utilities Commission of Nevada; and
- (2) A representative of the Bureau of Consumer Protection in the Office of the Attorney General.

Sec. 32. 1. The Task Force shall meet at least two times each year at the call of the Chair.

2. The Chair may appoint working groups, chaired by one or more members of the Task Force and composed of persons with subject matter expertise, to aid in the work of the Task Force.

3. The Chair may issue guidelines for the operation of the Task Force and amend those guidelines as needed for the management and governance of the Task Force. The Chair shall identify and approve the scope of work and issues to be addressed by the Task Force and any working group.

4. A majority of the voting members of the Task Force constitutes a quorum, and a quorum may exercise all the powers conferred on the Task Force.

5. The members of the Task Force serve at the pleasure of the Governor.

6. The members of the Task Force serve without compensation.

Sec. 33. 1. The Task Force shall advise the Governor and the Legislature on:

(a) *The potential costs and benefits to transmission providers and their customers in this State of forming or joining a regional transmission organization which provides access to an organized competitive regional wholesale electricity market;*

(b) *Policies that will accommodate entrance by transmission providers in this State into a regional transmission organization by January 1, 2030;*

(c) *Policies that will site transmission facilities necessary to achieve this State's clean energy and economic development goals;*

(d) *Potential areas in this State where growth in demand for electricity or growth in renewable energy generation would be accommodated by additional transmission or regional market opportunities; and*

(e) *Businesses and industries that could locate in this State as a result of this State's position in an organized competitive regional wholesale electricity market.*

2. *The Task Force shall, not later than November 30, 2022, and every 2 years thereafter, submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a report on its activities, including any recommended legislation needed to enable entrance by transmission providers in this State into a regional transmission organization.*

Sec. 34. 1. *The Office of Energy shall provide the personnel, facilities, equipment and supplies required by the Task Force to carry out the provisions of sections 31 to 34, inclusive, of this act.*

2. *To aid and inform the Task Force in carrying out its duties pursuant to section 33 of this act, the Commission, in consultation with the Task Force, may engage a knowledgeable and independent third party to analyze all factors deemed necessary to assess the potential costs and benefits to transmission providers and their customers of forming or joining a regional transmission organization.*

Sec. 35. *Except as otherwise provided in this chapter, when the Commission reviews an application to make changes in any schedule, there is no presumption that any recorded expenses, investments or other costs included in the application were prudently incurred, unless the Commission has previously determined that such expenses, investments or other costs were prudently incurred. The public utility has the burden of proving that an expense, investment or cost was reasonably and prudently incurred.*

Sec. 36. NRS 704.021 is hereby amended to read as follows:

704.021 "Public utility" or "utility" does not include:

1. *Persons engaged in the production and sale of natural gas, other than sales to the public, or engaged in the transmission of natural gas other than as a common carrier transmission or distribution line or system.*

2. *Persons engaged in the business of furnishing, for compensation, water or services for the disposal of sewage, or both, to persons within this State if:*

(a) *They serve 25 persons or less; and*

(b) Their gross sales for water or services for the disposal of sewage, or both, amounted to \$25,000 or less during the immediately preceding 12 months.

3. Persons not otherwise engaged in the business of furnishing, producing or selling water or services for the disposal of sewage, or both, but who sell or furnish water or services for the disposal of sewage, or both, as an accommodation in an area where water or services for the disposal of sewage, or both, are not available from a public utility, cooperative corporations and associations or political subdivisions engaged in the business of furnishing water or services for the disposal of sewage, or both, for compensation, to persons within the political subdivision.

4. Persons who are engaged in the production and sale of energy, including electricity, to public utilities, cities, counties or other entities which are reselling the energy to the public.

5. Persons who are subject to the provisions of NRS 590.465 to 590.645, inclusive.

6. Persons who are engaged in the sale or use of special fuel as defined in NRS 366.060.

7. Persons who provide water from water storage, transmission and treatment facilities if those facilities are for the storage, transmission or treatment of water from mining operations.

8. Persons who are video service providers, as defined in NRS 711.151, except for those operations of the video service provider which consist of providing a telecommunication service to the public, in which case the video service provider is a public utility only with regard to those operations of the video service provider which consist of providing a telecommunication service to the public.

9. Persons who own or operate a net metering system described in paragraph (c) of subsection 1 of NRS 704.771.

10. *Persons who own or operate a net metering system or systems described in paragraph (a) of subsection 1 of NRS 704.771 and deliver electricity to multiple persons, units or spaces on the premises if:*

(a) The electricity is delivered only to persons, units or spaces located on the premises on which the net metering system or systems are located;

(b) The residential or commercial units or spaces do not have individual meters measuring electricity use by an individual unit or space; and

(c) Persons occupying the individual units or spaces are not charged for electricity based upon volumetric usage at the person's individual unit or space.

11. Persons who for compensation own or operate individual systems which use renewable energy to generate electricity and sell the electricity generated from those systems to not more than one customer of the public utility per individual system if each individual system is:

(a) Located on the premises of another person;

(b) Used to produce not more than 150 percent of that other person's requirements for electricity on an annual basis for the premises on which the individual system is located; and

(c) Not part of a larger system that aggregates electricity generated from renewable energy for resale or use on premises other than the premises on which the individual system is located.

➔ As used in this subsection, "renewable energy" has the meaning ascribed to it in NRS 704.7715.

~~{11.}~~ 12. Persons who own, control, operate or manage a facility that supplies electricity only for use to charge electric vehicles.

~~{12.}~~ 13. Any plant or equipment that is used by a data center to produce, deliver or furnish electricity at agreed-upon prices for or to persons on the premises of the data center for the sole purpose of those persons storing, processing or distributing data, but only with regard to those operations which consist of providing electric service. As used in this subsection, "data center" has the meaning ascribed to it in NRS 360.754.

Sec. 37. NRS 704.061 is hereby amended to read as follows:

704.061 As used in NRS 704.061 to 704.110, inclusive, *and section 35 of this act*, unless the context otherwise requires, the words and terms defined in NRS 704.062, 704.065 and 704.066 have the meanings ascribed to them in those sections.

Sec. 38. NRS 704.100 is hereby amended to read as follows:

704.100 1. Except as otherwise provided in NRS 704.075, 704.68861 to 704.68887, inclusive, and 704.7865, *and section 14 of this act*, or as may otherwise be provided by the Commission pursuant to NRS 704.095, 704.097 or 704.7621:

(a) A public utility shall not make changes in any schedule, unless the public utility:

(1) Files with the Commission an application to make the proposed changes and the Commission approves the proposed changes pursuant to NRS 704.110; or

(2) Files the proposed changes with the Commission using a letter of advice in accordance with the provisions of paragraph (f) or (g).

(b) A public utility shall adjust its rates on a quarterly basis between annual rate adjustment applications pursuant to subsection 8 of NRS 704.110 based on changes in the public utility's recorded costs of natural gas purchased for resale.

(c) An electric utility shall, between annual deferred energy accounting adjustment applications filed pursuant to NRS 704.187, adjust its rates on a quarterly basis pursuant to subsection 10 of NRS 704.110.

(d) A public utility shall post copies of all proposed schedules and all new or amended schedules in the same offices and in substantially the same form, manner and places as required by NRS 704.070 for the posting of copies of schedules that are currently in force.

(e) A public utility may not set forth as justification for a rate increase any items of expense or rate base that previously have been considered and disallowed by the Commission, unless those items are clearly identified in the application and new facts or considerations of policy for each item are advanced in the application to justify a reversal of the prior decision of the Commission.

(f) Except as otherwise provided in paragraph (g), if the proposed change in any schedule does not change any rate or will result in an increase in annual gross operating revenue in an amount that does not exceed \$15,000:

(1) The public utility may file the proposed change with the Commission using a letter of advice in lieu of filing an application; and

(2) The Commission shall determine whether it should dispense with a hearing regarding the proposed change.

➡ A letter of advice filed pursuant to this paragraph must include a certification by the attorney for the public utility or an affidavit by an authorized representative of the public utility that to the best of the signatory's knowledge, information and belief, formed after a reasonable inquiry, the proposed change in schedule does not change any rate or result in an increase in the annual gross operating revenue of the public utility in an amount that exceeds \$15,000.

(g) If the applicant is a small-scale provider of last resort and the proposed change in any schedule will result in an increase in annual gross operating revenue in an amount that does not exceed \$50,000 or 10 percent of the applicant's annual gross operating revenue, whichever is less:

(1) The small-scale provider of last resort may file the proposed change with the Commission using a letter of advice in lieu of filing an application if the small-scale provider of last resort:

(I) Includes with the letter of advice a certification by the attorney for the small-scale provider of last resort or an affidavit by an authorized representative of the small-scale provider of last resort that to the best of the signatory's knowledge, information and belief, formed after a reasonable inquiry, the proposed change in schedule does not change any rate or result in an increase in the annual gross operating revenue of the small-scale provider of last resort in an amount that exceeds \$50,000 or 10 percent, whichever is less;

(II) Demonstrates that the proposed change in schedule is required by or directly related to a regulation or order of the Federal Communications Commission; and

(III) Except as otherwise provided in subsection 2, files the letter of advice not later than 5 years after the Commission has issued a final order on a general rate application filed by the applicant in accordance with subsection 3 of NRS 704.110; and

(2) The Commission shall determine whether it should dispense with a hearing regarding the proposed change.

↪ Not later than 10 business days after the filing of a letter of advice pursuant to subparagraph (1), the Regulatory Operations Staff of the Commission or any other interested party may file with the Commission a request that the Commission order an applicant to file a general rate application in accordance with subsection 3 of NRS 704.110. The Commission may hold a hearing to consider such a request.

(h) In making the determination pursuant to paragraph (f) or (g), the Commission shall first consider all timely written protests, any presentation that the Regulatory Operations Staff of the Commission may desire to present, the application of the public utility and any other matters deemed relevant by the Commission.

2. An applicant that is a small-scale provider of last resort may submit to the Commission a written request for a waiver of the 5-year period specified in sub-subparagraph (III) of subparagraph (1) of paragraph (g) of subsection 1. The Commission shall, not later than 90 days after receipt of such a request, issue an order approving or denying the request. The Commission may approve the request if the applicant provides proof satisfactory to the Commission that the applicant is not earning more than the rate of return authorized by the Commission and that it is in the public interest for the Commission to grant the request for a waiver. The Commission shall not approve a request for a waiver if the request is submitted later than 7 years after the issuance by the Commission of a final order on a general rate application filed by the applicant in accordance with subsection 3 of NRS 704.110. If the Commission approves a request for a waiver submitted pursuant to this subsection, the applicant shall file the letter of advice pursuant to subparagraph (1) of paragraph (g) of subsection 1 not earlier than 120 days after the date on which the applicant submitted the request for a waiver pursuant to this subsection, unless the order issued by the Commission approving the request for a waiver specifies a different period for the filing of the letter of advice.

3. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 39. NRS 704.741 is hereby amended to read as follows:

704.741 1. A utility which supplies electricity in this State shall, on or before June 1 of every third year, in the manner specified by the Commission, submit a plan to increase its supply of electricity or decrease the demands made on its system by its customers to the Commission. Two or more utilities that are affiliated through common ownership and that have an interconnected system for the transmission of electricity shall submit a joint plan.

2. The Commission shall, by regulation:

(a) Prescribe the contents of such a plan, including, but not limited to, the methods or formulas which are used by the utility or utilities to:

(1) Forecast the future demands, except that a forecast of the future retail electric demands of the utility or utilities must not include the amount of energy and capacity proposed pursuant to subsection ~~4~~ 5 as annual limits on

the total amount of energy and capacity that eligible customers may be authorized to purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to NRS 704B.310 on or after May 16, 2019; and

(2) Determine the best combination of sources of supply to meet the demands or the best method to reduce them; and

(b) Designate renewable energy zones and revise the designated renewable energy zones as the Commission deems necessary.

3. The Commission shall require the utility or utilities to include in the plan:

(a) An energy efficiency program for residential customers which reduces the consumption of electricity or any fossil fuel and which includes, without limitation, the use of new solar thermal energy sources.

(b) A proposal for the expenditure of not less than ~~{5}~~ 10 percent of the total expenditures related to energy efficiency and conservation programs on energy efficiency ~~{and conservation programs directed to low income}~~ *measures for customers of the electric utility {;} in low-income households and residential customers and public schools in historically underserved communities, through both targeted programs and programs directed at residential customers and public schools in general.*

(c) A comparison of a diverse set of scenarios of the best combination of sources of supply to meet the demands or the best methods to reduce the demands, which must include at least one scenario of low carbon ~~{intensity}~~ *dioxide emissions that {includes} :*

(1) *Uses sources of supply that result in, by 2050, an amount of energy production from zero carbon dioxide emission resources that equals the forecasted demand for electricity by customers of the utility;*

(2) *Includes the deployment of distributed generation {;} ; and*

(3) *If the plan is submitted on or before June 1, 2027, uses sources of supply that result in, by the year 2030, an 80 percent reduction in carbon dioxide emissions from the generation of electricity to meet the demands of customers of the utility as compared to the amount of such emissions in the year 2005.*

(d) An analysis of the effects of the requirements of NRS 704.766 to 704.776, inclusive, on the reliability of the distribution system of the utility or utilities and the costs to the utility or utilities to provide electric service to all customers. The analysis must include an evaluation of the costs and benefits of addressing issues of reliability through investment in the distribution system.

(e) A list of the utility's or utilities' assets described in NRS 704.7338.

(f) A surplus asset retirement plan as required by NRS 704.734.

4. ~~{The Commission shall require the utility or utilities to include in the plan a plan for construction or expansion of transmission facilities to serve renewable energy zones and to facilitate the utility or utilities in meeting the portfolio standard established by NRS 704.7821.~~

~~—5.1~~ The Commission shall require the utility or utilities to include in the plan a distributed resources plan. The distributed resources plan must:

(a) Evaluate the locational benefits and costs of distributed resources. This evaluation must be based on reductions or increases in local generation capacity needs, avoided or increased investments in distribution infrastructure, safety benefits, reliability benefits and any other savings the distributed resources provide to the electricity grid for this State or costs to customers of the electric utility or utilities.

(b) Propose or identify standard tariffs, contracts or other mechanisms for the deployment of cost-effective distributed resources that satisfy the objectives for distribution planning.

(c) Propose cost-effective methods of effectively coordinating existing programs approved by the Commission, incentives and tariffs to maximize the locational benefits and minimize the incremental costs of distributed resources.

(d) Identify any additional spending necessary to integrate cost-effective distributed resources into distribution planning consistent with the goal of yielding a net benefit to the customers of the electric utility or utilities.

(e) Identify barriers to the deployment of distributed resources, including, without limitation, safety standards related to technology or operation of the distribution system in a manner that ensures reliable service.

~~{6.1}~~ (f) *Include a transportation electrification plan as required by section 14 of this act.*

5. The Commission shall require the utility or utilities to include in the plan a proposal for annual limits on the total amount of energy and capacity that eligible customers may be authorized to purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to NRS 704B.310 on or after May 16, 2019. In developing the proposal and the forecasts in the plan, the utility or utilities must use a sensitivity analysis that, at a minimum, addresses load growth, import capacity, system constraints and the effect of eligible customers purchasing less energy and capacity than authorized by the proposed annual limit. The proposal in the plan must include, without limitation:

(a) A forecast of the load growth of the utility or utilities;

(b) The number of eligible customers that are currently being served by or anticipated to be served by the utility or utilities;

(c) Information concerning the infrastructure of the utility or utilities that is available to accommodate market-based new electric resources;

(d) Proposals to ensure the stability of rates and the availability and reliability of electric service; and

(e) For each year of the plan, impact fees applicable to each megawatt or each megawatt hour to account for costs reflected in the base tariff general rate and base tariff energy rate paid by end-use customers of the electric utility.

~~{7.}~~ 6. The annual limits proposed pursuant to subsection ~~{6.}~~ 5 shall not apply to energy and capacity sales to an eligible customer if the eligible customer:

(a) Was not an end-use customer of the electric utility at any time before June 12, 2019; and

(b) Would have a peak load of 10 megawatts or more in the service territory of an electric utility within 2 years of initially taking electric service.

~~{8.}~~ 7. As used in this section:

(a) ~~["Carbon intensity" means the amount of carbon by weight emitted per unit of energy consumed.~~

~~{b.}~~ "Distributed generation system" has the meaning ascribed to it in NRS 701.380.

~~{c.}~~ (b) "Distributed resources" means distributed generation systems, energy efficiency, energy storage, electric vehicles and demand-response technologies.

~~{d.}~~ (c) "Eligible customer" has the meaning ascribed to it in NRS 704B.080.

~~{e.}~~ (d) "Energy" has the meaning ascribed to it in NRS 704B.090.

~~{f.}~~ (e) "*Historically underserved community*" has the meaning ascribed to it in section 12 of this act.

(f) "*Low-income household*" has the meaning ascribed to it in section 13 of this act.

(g) "New electric resource" has the meaning ascribed to it in NRS 704B.110.

~~{g.}~~ (h) "Provider of new electric resources" has the meaning ascribed to it in NRS 704B.130.

~~{h.}~~ (i) "Renewable energy zones" means specific geographic zones where renewable energy resources are sufficient to develop generation capacity and where transmission constrains the delivery of electricity from those resources to customers.

~~{i.}~~ (j) "Sensitivity analysis" means a set of methods or procedures which results in a determination or estimation of the sensitivity of a result to a change in given data or a given assumption.

Sec. 40. NRS 704.746 is hereby amended to read as follows:

704.746 1. After a utility has filed its plan pursuant to NRS 704.741, the Commission shall convene a public hearing on the adequacy of the plan.

2. The Commission shall determine the parties to the public hearing on the adequacy of the plan. A person or governmental entity may petition the Commission for leave to intervene as a party. The Commission must grant a petition to intervene as a party in the hearing if the person or entity has relevant material evidence to provide concerning the adequacy of the plan. The Commission may limit participation of an intervener in the hearing to avoid duplication and may prohibit continued participation in the hearing by an intervener if the Commission determines that continued participation will

unduly broaden the issues, will not provide additional relevant material evidence or is not necessary to further the public interest.

3. In addition to any party to the hearing, any interested person may make comments to the Commission regarding the contents and adequacy of the plan.

4. After the hearing, the Commission shall determine whether:

(a) The forecast requirements of the utility or utilities are based on substantially accurate data and an adequate method of forecasting.

(b) The plan identifies and takes into account any present and projected reductions in the demand for energy that may result from measures to improve energy efficiency in the industrial, commercial, residential and energy producing sectors of the area being served.

(c) The plan adequately demonstrates the economic, environmental and other benefits to this State and to the customers of the utility or utilities associated with the following possible measures and sources of supply:

(1) Improvements in energy efficiency;

(2) Pooling of power;

(3) Purchases of power from neighboring states or countries;

(4) Facilities that operate on solar or geothermal energy or wind;

(5) Facilities that operate on the principle of cogeneration or hydrogeneration;

(6) Other generation facilities; and

(7) Other transmission facilities.

5. The Commission shall give preference to the measures and sources of supply set forth in paragraph (c) of subsection 4 that:

(a) Provide the greatest economic and environmental benefits to the State;

(b) Are consistent with the provisions of this section;

(c) Provide levels of service that are adequate and reliable;

(d) Provide the greatest opportunity for the creation of new jobs in this State; and

(e) Provide for diverse electricity supply portfolios and which reduce customer exposure to the price volatility of fossil fuels and the potential costs of carbon.

➡ In considering the measures and sources of supply set forth in paragraph (c) of subsection 4 and determining the preference given to such measures and sources of supply, the Commission shall consider the cost of those measures and sources of supply to the customers of the electric utility or utilities.

6. The Commission shall:

(a) Adopt regulations which determine the level of preference to be given to those measures and sources of supply; and

(b) Consider the value to the public of using water efficiently when it is determining those preferences.

7. The Commission shall:

(a) Consider the level of financial commitment from developers of renewable energy projects in each renewable energy zone, as designated pursuant to subsection 2 of NRS 704.741; and

(b) Adopt regulations establishing a process for considering such commitments including, without limitation, contracts for the sale of energy, leases of land and mineral rights, cash deposits and letters of credit.

8. The Commission shall, after a hearing, review and accept or modify an emissions reduction and capacity replacement plan which includes each element required by NRS 704.7316. In considering whether to accept or modify an emissions reduction and capacity replacement plan, the Commission shall consider:

(a) The cost to the customers of the electric utility or utilities to implement the plan;

(b) Whether the plan provides the greatest economic benefit to this State;

(c) Whether the plan provides the greatest opportunities for the creation of new jobs in this State; and

(d) Whether the plan represents the best value to the customers of the electric utility or utilities.

9. In considering whether to accept or modify a proposal for annual limits on the total amount of energy and capacity that eligible customers may be authorized to purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to NRS 704B.310 after May 16, 2019, which is included in the plan pursuant to subsection ~~{6}~~ 5 of NRS 704.741, the Commission shall consider whether the proposed annual limits:

(a) Further the public interest, including, without limitation, whether the proposed annual limits promote safe, economic, efficient and reliable electric service to all customers of electric service in this State;

(b) Align an economically viable utility model with state public policy goals; and

(c) Encourage the development and use of renewable energy resources located in this State and, in particular, renewable energy resources that are coupled with energy storage.

10. *In considering whether to accept or modify a plan to accelerate transportation electrification submitted pursuant to section 14 of this act, the Commission shall consider:*

(a) Whether the proposed investments, incentives, rate designs, systems and programs are reasonably expected to achieve one or more of the following:

(1) Improve the efficiency of the electric utility's electrical system, operational flexibility or system utilization during off-peak hours;

(2) Improve the ability of the electric utility to integrate renewable energy resources which generate electricity on an intermittent basis into the transmission and distribution grid;

(3) Reduce greenhouse gas emissions and air pollution;

(4) Improve air quality in communities most affected by air pollution from the transportation sector;

(5) Support increased consumer choice in electric vehicle charging and related infrastructure and services;

(6) Increase access to the use of electricity as a transportation fuel by low-income users by including investments, incentives or programs for those users, or for entities operating in communities or at locations that will benefit low-income users;

(7) Foster the investment of private capital in transportation electrification, as defined in section 14 of this act, and the demand for skilled jobs in related services; and

(8) Provide information and education on the benefits of transportation electrification to customers.

(b) Whether the proposed investments, incentives, rate designs, systems and programs provide electric services and pricing that customers value.

(c) Whether the proposed investments, incentives, systems and programs incorporate public reporting requirements which will serve to inform program design and Commission policy.

(d) The cost to the customers of the electric utility to implement the plan.

Sec. 41. NRS 704.751 is hereby amended to read as follows:

704.751 1. After a utility has filed the plan required pursuant to NRS 704.741, the Commission shall issue an order accepting or modifying the plan or specifying any portions of the plan it deems to be inadequate:

(a) Within 135 days for any portion of the plan relating to the energy supply plan for the utility for the 3 years covered by the plan; and

(b) Within 210 days for all portions of the plan not described in paragraph (a).

↪ If the Commission issues an order modifying the plan, the utility or utilities may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

2. If a utility files an amendment to a plan, the Commission shall issue an order accepting or modifying the amendment or specifying any portions of the amendment it deems to be inadequate:

(a) Within 165 days after the filing of the amendment; or

(b) Within 180 days after the filing of the amendment for all portions of the amendment which contain an element of the emissions reduction and capacity replacement plan.

↪ If the Commission issues an order modifying the amendment, the utility or utilities may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

3. Any order issued by the Commission accepting or modifying a plan required pursuant to NRS 704.741 or an amendment to such a plan must include the justification of the Commission for the preferences given pursuant

to subsection 5 of NRS 704.746 to the measures and sources of supply set forth in paragraph (c) of subsection 4 of NRS 704.746.

4. All prudent and reasonable expenditures made to develop the utility's or utilities' plan, including environmental, engineering and other studies, must be recovered from the rates charged to the utility's or utilities' customers.

5. The Commission may accept an energy efficiency plan containing an energy efficiency program submitted pursuant to paragraph (a) of subsection 3 of NRS 704.741 and energy efficiency and conservation programs submitted pursuant to paragraph (b) of subsection 3 of NRS 704.741 that are not cost effective if the energy efficiency plan as a whole is cost effective. Any order issued by the Commission accepting or modifying an energy efficiency plan or an amendment to such a plan must, if the energy efficiency plan remains cost effective, require that not less than ~~{5}~~ 10 percent of the total expenditures of the utility or utilities on approved energy efficiency and conservation programs in the energy efficiency plan must be specifically directed to energy efficiency ~~{and conservation programs for low income}~~ *measures for customers of the utility or utilities ~~{ }~~ in low-income households and residential customers and public schools in historically underserved communities, through both targeted programs and programs directed at residential customers and public schools in general.*

6. The Commission may accept ~~{~~:

~~—(a) A transmission plan submitted pursuant to subsection 4 of NRS 704.741 for a renewable energy zone if the Commission determines that the construction or expansion of transmission facilities would facilitate the utility or utilities meeting the portfolio standard, as defined in NRS 704.7805.~~

~~—(b) A~~ *a distributed resources plan submitted pursuant to subsection ~~{5}~~ 4 of NRS 704.741 if the Commission determines that the plan includes each element required by that subsection.*

7. ~~{The Commission shall adopt regulations establishing the criteria for determining the adequacy of a transmission plan submitted pursuant to subsection 4 of NRS 704.741.~~

~~—8.}~~ Any order issued by the Commission accepting or modifying an element of an emissions reduction and capacity replacement plan must include provisions authorizing the electric utility or utilities to construct or acquire and own electric generating plants necessary to meet the capacity amounts approved in, and carry out the provisions of, the plan. As used in this subsection, "capacity" means an amount of firm electric generating capacity used by the electric utility or utilities for the purpose of preparing a plan filed with the Commission pursuant to NRS 704.736 to 704.754, inclusive.

8. *The Commission shall accept a transmission infrastructure for a clean energy economy plan that conforms to the requirements of subsections 1 and 2 of section 21 of this act and includes the evaluations required by subsection 4 of section 21 of this act.*

9. *As used in this section:*

(a) *"Historically underserved community" has the meaning ascribed to it in section 12 of this act.*

(b) *"Low-income household" has the meaning ascribed to it in section 13 of this act.*

Sec. 42. NRS 704.7591 is hereby amended to read as follows:

704.7591 1. An electric utility may dispose of its generation assets pursuant to a merger, acquisition or transaction that is authorized pursuant to NRS 704.329 or pursuant to a transfer of its certificate of public convenience and necessity that is authorized pursuant to NRS 704.410, if:

(a) The electric utility disposes of substantially all of its generation assets and substantially all of its other assets to the other person in the merger, acquisition, transaction or transfer; and

(b) ~~The [other person in the merger, acquisition, transaction or transfer is not a subsidiary or affiliate of the electric utility or a holding company or other person that holds a controlling interest in the electric utility.] Commission approves of the disposal of the generation assets in an order issued pursuant to NRS 704.7588.~~

2. Any person who assumes or has assumed ownership, possession, control, operation, administration or maintenance of a generation asset pursuant to a merger, acquisition, transaction or transfer described in subsection 1 is subject to the provisions of NRS 704.7561 to 704.7595, inclusive.

Sec. 43. NRS 704.783 is hereby amended to read as follows:

704.783 As used in NRS 704.783 to 704.7836, inclusive, *and sections 12 and 13 of this act*, unless the context otherwise requires, the words and terms defined in NRS 704.7831 to 704.7834, inclusive, *and sections 12 and 13 of this act* have the meanings ascribed to them in those sections.

Sec. 44. NRS 704.7836 is hereby amended to read as follows:

704.7836 1. The Commission shall establish by regulation for each electric utility goals for energy savings resulting from energy efficiency programs implemented by the electric utility each year, which must be included in the resource plan filed by the electric utility pursuant to NRS 704.741.

2. The Commission may:

(a) Modify a goal for energy savings it has previously established for an electric utility.

(b) Upon receipt of a petition submitted by an electric utility, temporarily lower a goal for energy savings it has previously established for the electric utility if the electric utility demonstrates that economic reasons which are not reasonably within the control of the electric utility will prevent the electric utility from meeting the goal for energy savings established pursuant to subsection 1.

3. Upon establishment or modification by the Commission of a goal for energy savings for an electric utility pursuant to this section, the affected electric utility may file an amendment to its most recent resource plan filed

pursuant to NRS 704.741 to incorporate the goal for energy savings into the resource plan.

4. Each electric utility shall develop and include in its most recent resource plan filed pursuant to NRS 704.741 an energy efficiency plan that:

- (a) Is designed to meet or exceed the goals for energy savings established by the Commission pursuant to this section;
- (b) Includes one or more energy efficiency programs; and
- (c) Is cost effective.

5. In approving an energy efficiency plan developed by an electric utility to meet the goals for energy savings established by the Commission pursuant to this section, the Commission shall approve an energy efficiency plan that is:

- (a) Designed to meet or exceed the goals for energy savings established by the Commission pursuant to this section; and
- (b) Cost effective.

6. The Commission may approve an energy efficiency plan submitted pursuant to NRS 704.741 that consists of energy efficiency and conservation programs that are not cost effective if the Commission determines that the energy efficiency plan as a whole is cost effective.

7. Unless the Commission determines that it is not cost effective, any energy efficiency plan approved by the Commission must provide that not less than ~~{5}~~ 10 percent of the total expenditures related to energy efficiency programs must be ~~{directed to}~~ *spent on* energy efficiency ~~{programs}~~ *measures for low-income customers of the electric utility* ~~{in low-income households and residential customers and public schools in historically underserved communities, through both targeted programs and programs directed at residential customers and public schools in general. For the purposes of this subsection, programs that can offer variable incentive levels must offer higher incentive levels for low-income households.}~~

Sec. 45. NRS 704.788 is hereby amended to read as follows:

704.788 The Office of Economic Development shall not accept an application or give initial approval to any applicant for participation in the Program, and the Commission shall not approve an applicant for participation in the Program, after the earlier of December 31, ~~{2017,}~~ 2024, or the date on which the capacity set aside for allocation pursuant to the Program is fully allocated.

Sec. 46. NRS 704.7881 is hereby amended to read as follows:

704.7881 The Commission, in consultation with the Office of Economic Development:

1. Shall adopt regulations:

(a) Establishing the discounted electric rates that may be charged by an electric utility pursuant to the Program, which must be established as a percentage of the base tariff energy rate and for which:

(1) In the first and second year of a contract entered into pursuant to NRS 704.7877, ~~{the reduction in the rates as a result of the}~~ *there shall be no discount* ~~{must not exceed 30 percent}~~ of the base tariff energy rate;

(2) In the third ~~[,] and fourth [, fifth and sixth]~~ year of a contract entered into pursuant to NRS 704.7877, the reduction in the rates as a result of the discount must not exceed ~~[20]~~ 30 percent of the base tariff energy rate; ~~and~~

(3) In the *fifth, sixth, seventh and eighth* year of a contract entered into pursuant to NRS 704.7877, the reduction in the rates as a result of the discount must not exceed ~~[10]~~ 20 percent of the base tariff energy rate; *and*

(4) *In the ninth and tenth year of a contract entered into pursuant to NRS 704.7877, the reduction in the rates as a result of the discount must not exceed 10 percent of the base tariff energy rate;*

(b) Prescribing the form and content of the contract entered into pursuant to NRS 704.7877;

(c) Prescribing the procedure by which an electric utility is authorized to recover through a deferred energy accounting adjustment application the amount of the discount provided to a participant in the Program; and

(d) Prescribing any additional information which must be submitted by an applicant for participation in the Program.

2. May adopt any other regulations it determines are necessary to carry out the provisions of NRS 704.7871 to 704.7882, inclusive.

Sec. 47. NRS 704.7882 is hereby amended to read as follows:

704.7882 The Commission shall, on or before December 31, ~~[2014,]~~ 2022, prepare a written report concerning the Program and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the ~~[78th]~~ 82nd Session of the Legislature. The report must include, without limitation, information concerning:

1. The number of participants in the Program;
 2. The amount of electricity allocated pursuant to the Program;
 3. The total amount of the discounts provided pursuant to the Program;
- and
4. The remaining amount of electricity available for allocation pursuant to the Program.

Sec. 48. NRS 704B.310 is hereby amended to read as follows:

704B.310 1. An eligible customer shall not purchase energy, capacity or ancillary services from a provider of new electric resources unless:

(a) The eligible customer files an application with the Commission between January 2 and February 1 of any year and not later than 280 days before the date on which the eligible customer intends to begin purchasing energy, capacity or ancillary services from the provider;

(b) The Commission approves the application by a written order issued in accordance with the provisions of this section; and

(c) The provider holds a valid license.

2. Except as otherwise provided in subsection 3, each application filed pursuant to this section must include:

(a) Specific information demonstrating that the person filing the application is an eligible customer;

(b) Information demonstrating that the proposed provider will provide energy, capacity or ancillary services from a new electric resource;

(c) Specific information concerning the terms and conditions of the proposed transaction that is necessary for the Commission to evaluate the impact of the proposed transaction on customers and the public interest, including, without limitation, information concerning the duration of the proposed transaction, the point of receipt of the energy, capacity or ancillary services and the amount of energy, capacity or ancillary services to be purchased from the provider;

(d) Specific information identifying transmission requirements associated with the proposed transaction and the extent to which the proposed transaction requires transmission import capacity; and

(e) Any other information required pursuant to the regulations adopted by the Commission.

3. The Commission shall not require the eligible customer or provider to disclose:

(a) The price that is being paid by the eligible customer to purchase energy, capacity or ancillary services from the provider; or

(b) Any other terms or conditions of the proposed transaction that the Commission determines are commercially sensitive.

4. The Commission shall provide public notice of the application of the eligible customer and an opportunity for a hearing on the application in a manner that is consistent with the provisions of NRS 703.320 and the regulations adopted by the Commission.

5. The Commission shall not approve the application of the eligible customer unless the Commission finds that the proposed transaction:

(a) Will be in the public interest; and

(b) Will not cause the total amount of energy and capacity that eligible customers purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to this section on or after May 16, 2019, to exceed an annual limit set forth in a plan filed with the Commission pursuant to NRS 704.741 and accepted by the Commission pursuant to NRS 704.751.

6. In determining whether the proposed transaction will be in the public interest, the Commission shall consider, without limitation:

(a) Whether the electric utility that has been providing electric service to the eligible customer will experience increased costs as a result of the proposed transaction;

(b) Whether any remaining customer of the electric utility will pay increased costs for electric service or forgo the benefit of a reduction of costs for electric service as a result of the proposed transaction; and

(c) Whether the proposed transaction will impair system reliability or the ability of the electric utility to provide electric service to its remaining customers.

7. If the Commission approves the application of the eligible customer:

(a) The eligible customer shall not begin purchasing energy, capacity or ancillary services from the provider pursuant to the proposed transaction sooner than 280 days after the date on which the application was filed, unless the Commission allows the eligible customer to begin purchasing energy, capacity or ancillary services from the provider at an earlier date; and

(b) The Commission shall order such terms, conditions and payments as the Commission deems necessary and appropriate to ensure that the proposed transaction will be in the public interest. Except as otherwise provided in subsection 8, such terms, conditions and payments:

(1) Must be fair and nondiscriminatory as between the eligible customer and the remaining customers of the electric utility, except that the terms, conditions and payments must assign all identifiable but unquantifiable risk to the eligible customer;

(2) Must include, without limitation:

(I) Payment by the eligible customer to the electric utility of the eligible customer's load-share portion of any unrecovered balance in the deferred accounts of the electric utility; and

(II) Payment by the eligible customer, or the provider of new electric resources, as applicable, of the annual assessment and any other tax, fee or assessment required by NRS 704B.360;

(3) Must establish payments calculated in a manner that provides the eligible customer with only its load-ratio share of the benefits associated with forecasted load growth if load growth is utilized to mitigate the impact of the eligible customer's proposed transaction; and

(4) Must ensure that the eligible customer pays its load-ratio share of the costs associated with the electric utility's obligations that were incurred as deviations from least-cost resource planning pursuant to the laws of this State including, without limitation, costs incurred to satisfy the requirements of NRS 704.7821 and implement the provisions of NRS 701B.240, 701B.336, 701B.580, ~~701B.670,~~ 701B.820, 702.160, 704.773, 704.7827, 704.7836, 704.785, 704.7865, 704.7983 and 704.7985.

8. An eligible customer who:

(a) Was not an end-use customer of the electric utility at any time before June 12, 2019; and

(b) Would have a peak load of 10 megawatts or more in the service territory of an electric utility within 2 years of initially taking electric service,

➤ is required to pay only those costs, fees, charges or rates which apply to current and ongoing legislatively mandated public policy programs, as determined by the Commission.

9. If the Commission does not enter a final order on the application of the eligible customer within 210 days after the date on which the application was filed with the Commission, the application shall be deemed to be denied by the Commission.

Sec. 49. 1. An electric utility in this State shall, on or before September 1, 2021, file with the Public Utilities Commission of Nevada a plan

to accelerate transportation electrification in this State for the period beginning January 1, 2022, and ending on December 31, 2024. The plan filed for this period must be designed to provide the greatest economic recovery benefits and opportunities for the creation of new jobs in this State.

2. Two or more utilities that are affiliated through common ownership and that have an interconnected system for the transmission of electricity shall submit a joint plan pursuant to this section. The joint plan must include a plan for investments to accelerate transportation electrification in an amount not to exceed \$100,000,000.

3. A plan filed pursuant to this section must include a plan to invest in the following programs:

(a) An Interstate Corridor Charging Depot Program, whereby the electric utility shall supplement the work of the Office of Energy, the Department of Transportation and the Division of Environmental Protection of the State Department of Conservation and Natural Resources in Phase I and Phase II of the Nevada Electric Highway project to increase the availability of public electric vehicle charging infrastructure along Nevada's highways in the service territory of the electric utility and to support electric vehicle tourism traffic to Las Vegas, the Reno-Tahoe area and across the State. The plan must set forth the intended scope and general location for each proposed charging depot. The Interstate Corridor Charging Depot Program:

(1) Must include the establishment of direct-current fast chargers and level 2 chargers, which may be owned by the electric utility or a third-party provider.

(2) May include the establishment of electric utility-owned energy storage systems or renewable energy systems which minimize the impact to the grid by reducing the peak demand for electricity.

(b) An Urban Charging Depot Program aimed at providing increased access to public electric vehicle charging infrastructure in metropolitan areas of this State, particularly for customers who are unable to charge vehicles at their home or business. The Urban Charging Depot Program must also be designed to address the needs of tourists, delivery services and businesses that require access to public charging for fleet electrification. The plan must set forth the intended scope and general location for each proposed charging depot. The Urban Charging Depot Program:

(1) Must include the establishment of direct-current fast chargers, level 2 chargers and, where relevant, charging for shared mobility services, including, without limitation, electric scooters and bicycles, which may be owned by the electric utility or a third-party provider.

(2) May include the establishment of electric utility-owned energy storage systems or renewable energy systems which minimize the impact to the grid by reducing the peak demand for electricity.

(c) A Public Agency Electric Vehicle Charging Program to serve the public, workplace and fleet electric charging needs of federal, state and local governmental agencies by reducing the financial barrier for the deployment of

electric vehicle charging infrastructure for governmental agencies. The electric utility shall set forth in the plan specific targets and allocations for level 2 electric vehicle charging infrastructure, which must be developed in coordination with the Department of Administration, the State Department of Conservation and Natural Resources, the Department of Transportation and the Office of Energy with the aim of maximizing the Program's effectiveness and utilization. An electric vehicle charging station which is installed under the Program may be owned by a public agency, the electric utility or a third-party provider.

(d) A Transit, School Bus and Transportation Electrification Custom Program to serve the electric vehicle charging infrastructure, energy supply and energy storage needs of transit agencies, metropolitan planning organizations, the Department of Transportation, public school districts and nongovernmental commercial customers in this State. The electric utility shall not allow a nongovernmental commercial customer to participate in the Transit, School Bus and Transportation Electrification Custom Program unless, as a condition of participation, the nongovernmental commercial customer electrifies more than 50 company vehicles or more than 25 percent of its fleet, and satisfies such additional qualifications as the electric utility may establish. As part of the Transit, School Bus and Transportation Electrification Custom Program, an electric utility may partner with a commercial site to allow for multiple ownership options for the electrical supply, storage and charging equipment, including, without limitation, ownership by the electric utility.

(e) An Outdoor Recreation and Tourism Program to serve the electric vehicle charging infrastructure, energy supply and energy storage needs of the tourism and outdoor recreation economy of this State. Eligibility for any customer participation in the Outdoor Recreation and Tourism Program must be offered by the electric utility on a nondiscriminatory basis to both the utility's bundled retail customers and eligible customers, as defined in NRS 704B.080, who purchase or plan to purchase electricity from a provider of new electric resources, as defined in NRS 704B.130. As part of the Outdoor Recreation and Tourism Program, an electric utility may partner with a commercial site to allow for multiple ownership options for the electrical supply, storage and charging equipment, including, without limitation, ownership by the electric utility.

4. The plan filed pursuant to this section must include any proposed schedules necessary to implement the programs set forth in subsection 3.

5. Not less than:

(a) Forty percent of the total program expenditures proposed in a plan submitted pursuant to this section must be dedicated to investments made in or for the benefit of historically underserved communities.

(b) Twenty percent of the total program expenditures proposed in a plan submitted pursuant to this section must be dedicated to investments in the

Outdoor Recreation and Tourism Program pursuant to paragraph (e) of subsection 3.

(c) Twenty percent of the total program expenditures proposed in a plan submitted pursuant to this section must be dedicated to incentives for behind-the-meter investments in electric vehicle charging infrastructure or stations.

6. An electric utility shall submit to the Commission any program, software, contract or other instrument that may be used for the billing, control, operation or maintenance of the public and private chargers installed under a plan filed pursuant to this section. The prudent and reasonable expenditures made by the electric utility to evaluate the need for any program, software, contract or other instrument to facilitate the billing, control, operation or maintenance of the public and private chargers installed under the plan may be recovered by the utility through rates charged to the customers of the utility.

7. Any electric vehicle charging infrastructure that is installed as part of a plan which is accepted by the Commission pursuant to this section and which is not installed by employees of the electric utility must be installed by a contractor who holds a valid license in the classification required to perform such work issued by the State Contractors' Board pursuant to regulations adopted by the Board and at least one electrician holding a certification from the Electric Vehicle Infrastructure Training Program.

8. Not later than 90 days after a plan is filed pursuant to subsection 1, the Commission shall issue an order accepting or modifying the plan. If the Commission issues an order modifying the plan, the utility may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 10 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

9. If the Commission fails to enter a final order on a plan filed pursuant to subsection 1 within 90 days after the date on which the plan was filed, the plan shall be deemed to be accepted.

10. Not later than 60 days after the Commission issues an order accepting or modifying a plan, or a plan is deemed accepted pursuant to subsection 9, the electric utility shall file with the Commission any schedules necessary to implement the rate designs and programs approved in the plan. Any tariff filing made pursuant to this section is not subject to the provisions of NRS 704.100.

11. Acceptance by the Commission of a plan submitted pursuant to this section constitutes a finding that the investments contained in the plan, including, without limitation, any proposed incentives to be provided to customers, are prudent and that the utility may recover from the rates charged to the utility's customers all costs that the utility prudently and reasonably incurs to operate, maintain, develop and implement the plan, including, without limitation, any costs associated with acquiring the right to use and

develop private or public land. An electric utility may recover the costs that it prudently and reasonably incurs as follows:

(a) The electric utility shall begin recording in a regulatory asset, with carrying charges, an amount that reflects the electric utility's investment in facilities under the plan, including, without limitation:

- (1) Any incentives provided to customers;
- (2) The electric utility's authorized rate of return;
- (3) Any depreciation of the utility's investment in the facilities; and
- (4) The cost of operating and maintaining the facilities.

(b) Carrying charges shall not accrue for any month in which the electric utility earns in excess of its last authorized rate of return. For the purposes of this paragraph, the electric utility's earned rate of return must be calculated quarterly using the 12-month period ending with the last month of the quarter and will apply to the carrying charge calculation in each month of that quarter.

(c) An electric utility shall include a rate to recover all prudent and reasonable expenditures made by the electric utility to develop and implement the plan, including, without limitation, the electric utility's authorized rate of return, in the electric utility's general rate application filed pursuant to NRS 704.110. The rate must be charged to all of the customers in the service territory of the electric utility in which the plan assets reside and reflect all costs incurred in the electric utility's service territory.

12. As used in this section:

(a) "Electric utility" has the meaning ascribed to it in section 14 of this act.

(b) "Historically underserved community" has the meaning ascribed to it in section 12 of this act.

(c) "Transportation electrification" means the use of electricity from external sources to power, wholly or in part, passenger vehicles, trucks, buses, trains, boats or other equipment that transports goods or people.

Sec. 50. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 51. 1. A resource plan filed by an electric utility pursuant to NRS 704.741, as amended by section 39 of this act, on or before June 1, 2021, is not required to include, at the time the plan is filed, the transportation electrification plan required by section 14 of this act and NRS 704.741, as amended by section 39 of this act.

2. An electric utility shall, on or before September 1, 2022, file an amendment to its most recent resource plan filed pursuant to NRS 704.741, as amended by section 39 of this act, to incorporate into the resource plan a transportation electrification plan that complies with the provisions of section 14 of this act.

3. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 52. The amendatory provisions of section 48 of this act do not apply to an order issued by the Public Utilities Commission of Nevada pursuant to NRS 704B.310 before July 1, 2023.

Sec. 53. The amendatory provisions of section 46 of this act do not apply to a contract entered into before the effective date of section 46 of this act.

Sec. 53.5. The provisions of section 35 of this act apply prospectively. The provisions of this section shall not be construed as a statement, clarification or interpretation of Nevada law as it existed prior to the effective date of this section or a statement of the intent of the Nevada Legislature concerning Nevada law as it existed prior to the effective date of this section.

Sec. 54. 1. An electric utility in this State shall, on or before July 1, 2022, file with the Public Utilities Commission of Nevada an amendment to its most recently filed energy efficiency plan filed pursuant to NRS 704.7836 to ensure the energy efficiency plan complies with the amendatory provisions of sections 39 and 44 of this act.

2. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 55. NRS 701.090, 701.500, 701.505, 701.510 and 701.515 are hereby repealed.

Sec. 56. NRS 701B.670 is hereby repealed.

Sec. 57. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after March 22, 2021.

Sec. 58. 1. This section and sections 1 to ~~8,~~ 8.5, inclusive, 11 to 47, inclusive, 49 to 55, inclusive, and 57 of this act become effective upon passage and approval.

2. Section 10 of this act becomes effective on January 1, 2023, and expires by limitation on June 30, 2023.

3. Sections 9, 48 and 56 of this act become effective on July 1, 2023.

4. Section 9 of this act expires by limitation on December 31, 2025.

5. Sections 27 and 31 to 34, inclusive, of this act expire by limitation on December 31, 2031.

6. Sections 3 to 8, inclusive, of this act expire by limitation on June 30, 2049.

7. Sections 45, 46 and 47 of this act expire by limitation on the date on which the last contract entered into pursuant to the Program, as defined in NRS 704.7874, terminates, whether termination is by expiration of the terms of the contract or otherwise.

LEADLINES OF REPEALED SECTIONS

701.090 "Task Force" defined.

701.500 Creation; membership.

701.505 Chair; meetings; regulations; quorum; terms; members serve without compensation.

701.510 Powers and duties.

701.515 Support and assistance to be provided by Director.

701B.670 Legislative findings and declarations; creation of Program; regulations; payment of incentives; purchase of electric service based on time of usage; promotion of electric vehicle infrastructure; review and approval by Commission of annual plans from utilities; recovery of costs by utility.

Senator Harris moved that the Senate concur in Assembly Amendment No. 831 to Senate Bill No. 448.

Motion carried by a constitutional majority.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Assembly Bill No. 492 be taken from the General File and placed on the General File on the seventh Agenda.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 31, 2021

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 163, Amendment No. 859; Senate Bill No. 212, Amendments Nos. 603, 824; Senate Bill No. 290, Amendments Nos. 568, 854; Senate Bill No. 461, Amendment No. 865, and respectfully requests your honorable body to concur in said amendments.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

Madam President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 11:33 p.m.

SENATE IN SESSION

At 11:42 p.m.

President Marshall presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that the General File be considered after the Unfinished Business File.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 31, 2021

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 347, Amendment No. 868, and respectfully requests your honorable body to concur in said amendment.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 163.

The following Assembly amendment was read:

Amendment No. 859.

SENATOR SPEARMAN JOINT SPONSORS: ASSEMBLYMEN FRIERSON AND MONROE-MORENO

SUMMARY—Provides for the issuance of special license plates to support the Divine Nine, ~~[organizations.]~~ (BDR 43-1018)

AN ACT relating to special license plates; providing for the issuance of special license plates to support the Divine Nine, ~~[organizations.]~~ imposing a fee for the issuance and renewal of such license plates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires the Department of Motor Vehicles to design, prepare and issue special license plates that indicate support for the Divine Nine, ~~[organizations.]~~ which are the following historically Black collegiate fraternities and sororities: (1) Alpha Kappa Alpha Sorority, Inc.; (2) Alpha Phi Alpha Fraternity, Inc.; (3) Delta Sigma Theta Sorority, Inc.; (4) Iota Phi Theta Fraternity, Inc.; (5) Kappa Alpha Psi Fraternity, Inc.; (6) Omega Psi Phi Fraternity, Inc.; (7) Phi Beta Sigma Fraternity, Inc.; (8) Sigma Gamma Rho Sorority, Inc.; and (9) Zeta Phi Beta Sorority, Inc. ~~[Section 1 requires an individual license plate to be designed, prepared and issued for each Divine Nine organization.]~~ Section 1 requires the fees collected for the special license plates that are in addition to all other applicable registration and license fees and governmental services taxes to be deposited with the State Treasurer, who must, on a quarterly basis, distribute: (1) ~~(five)~~ 10 percent of the fees to the United Negro College Fund; and (2) the remaining ~~(95)~~ 90 percent of the fees equally among the certain chapters [of the applicable] or organizations associated with the Divine Nine [organization that are in this State or to the charitable organization associated with the applicable Divine Nine organization, as specified in section 1.] for the promotion of community awareness and action through educational, economic and cultural service activities within this State. Section 1 authorizes a person who wishes to obtain the special license plates to request that the plates be combined with personalized prestige plates if the person pays the fees for the personalized prestige plates in addition to the fees for the special license plates.

Under existing law, certain special license plates: (1) must be approved by the Department, based on a recommendation from the Commission on Special License Plates; (2) are subject to a limitation on the number of separate designs which the Department may issue at any one time; and (3) may not be designed, prepared or issued by the Department unless a certain number of applications for the plates are received. (NRS 482.367004, 482.367008, 482.36705) Sections 6-8 of this bill exempt the special license plates that indicate support for ~~the~~ the Divine Nine ~~[organization]~~ from each of the preceding

requirements. Sections 2-5 and 9-12 of this bill make conforming changes by indicating the placement of section 1 within the Nevada Revised Statutes and by adding section 1 to certain lists of special license plates.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~The Department, in cooperation with each of the applicable Divine Nine organizations,~~ Las Vegas Chapter of the National Pan-Hellenic Council, shall design, prepare and issue a license plate that indicates support for the ~~applicable~~ Divine Nine ~~organization,~~ using any colors that the Department deems appropriate. ~~[An individual license plate must be designed, prepared and issued for each of the Divine Nine organizations.]~~

2. ~~[The organizations for which license plates must be designed, prepared and issued pursuant to subsection 1 are:~~

- ~~(a) Alpha Kappa Alpha Sorority, Inc.;~~
- ~~(b) Alpha Phi Alpha Fraternity, Inc.;~~
- ~~(c) Delta Sigma Theta Sorority, Inc.;~~
- ~~(d) Iota Phi Theta Fraternity, Inc.;~~
- ~~(e) Kappa Alpha Psi Fraternity, Inc.;~~
- ~~(f) Omega Psi Phi Fraternity, Inc.;~~
- ~~(g) Phi Beta Sigma Fraternity, Inc.;~~
- ~~(h) Sigma Gamma Rho Sorority, Inc.; and~~
- ~~(i) Zeta Phi Beta Sorority, Inc.~~

~~3.]~~ The Department shall issue license plates that indicate support for ~~the Divine Nine organization,~~ for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that indicate support for ~~the Divine Nine organization,~~ if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates that indicate support for ~~the Divine Nine organization,~~ pursuant to subsections ~~4] 3 and 5.]~~
4.

~~4.] 3.~~ The fee for license plates that indicate support for ~~the Divine Nine organization,~~ is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment to the Department of \$10.

~~5.] 4.~~ In addition to all other applicable registration and license fees, governmental services taxes and the fee prescribed pursuant to subsection ~~4.] 3,~~ a person who requests a set of license plates that indicate support for ~~the Divine Nine organization,~~ must pay a fee of \$25 for the issuance of the plates and a fee of \$20 for each renewal of the plates, to be deposited in accordance with subsection ~~6.] 5.~~

~~{6.}~~ 5. Except as otherwise provided in NRS 482.38279, the Department shall deposit the fees collected pursuant to subsection ~~{5.}~~ 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute:

(a) ~~{Five}~~ Ten percent of the fees deposited pursuant to this subsection to the United Negro College Fund, Inc., or its successor organization, for college scholarships for Nevada residents attending a college in this State; and

(b) The remaining ~~{95}~~ 90 percent of the fees deposited pursuant to this subsection to ~~one of~~ the following organizations ~~as selected by the person who paid the fees pursuant to subsection 5,~~ in the following manner ~~for the promotion of community awareness and action through educational, economic and cultural service activities within this State:~~

(1) ~~{For Alpha Kappa Alpha Sorority, Inc.:~~

~~(I) Eighty five percent distributed to the Alpha Kappa Alpha Educational Advancement Foundation, Inc., to promote community awareness and action through educational, economic and cultural service activities within this State.~~

~~(II) Ten percent distributed to the Alpha Kappa Alpha Educational Advancement Foundation, Inc. ; ~~for the marketing of the license plate.~~~~

(2) ~~{For Alpha Phi Alpha Fraternity, Inc.:~~

~~(I) Eighty five percent equally distributed among the Alpha Phi Alpha Fraternity chapters in this State for the promotion of community awareness and action through educational, economic and cultural service activities within this State.~~

~~(II) Ten percent equally distributed among the Alpha Phi Alpha Fraternity chapters in this State ; ~~solely for the marketing of the license plate.~~~~

(3) ~~{For Delta Sigma Theta Sorority, Inc.:~~

~~(I) Eighty five percent distributed to the Delta Research and Educational Foundation, Inc., to promote community awareness and action through educational, economic and cultural service activities within this State.~~

~~(II) Ten percent distributed to the Delta Research and Educational Foundation, Inc. ; ~~for the marketing of the license plate.~~~~

(4) ~~{For Iota Phi Theta Fraternity, Inc.:~~

~~(I) Eighty five percent distributed to the National Iota Foundation, Inc., to promote community awareness and action through educational, economic and cultural service activities within this State.~~

~~(II) Ten percent distributed to the National Iota Foundation, Inc. ; ~~for the marketing of the license plate.~~~~

(5) ~~{For Kappa Alpha Psi Fraternity, Inc.:~~

~~(I) Eighty five percent distributed to the Western Province of Kappa Alpha Psi Fraternity, Inc., for the promotion of community awareness and action through educational, economic and cultural service activities within this State.~~

~~———— (H) Ten percent distributed to the Western Province of Kappa Alpha Psi Fraternity, Inc. ; for solely for the marketing of the license plate.~~

(6) ~~{For Omega Psi Phi Fraternity, Inc.:~~

~~———— (I) Eighty five percent distributed among the Omega Psi Phi Fraternity chapters in this State for the promotion of community awareness and action through educational, economic and cultural service activities within this State.~~

~~———— (H) Ten percent equally distributed among the Omega Psi Phi Fraternity chapters in this State ; for solely for the marketing of the license plate.~~

(7) ~~{For Phi Beta Sigma Fraternity, Inc.:~~

~~———— (I) Eighty five percent distributed to the Western Region of Phi Beta Sigma Fraternity, Inc., for the promotion of community awareness and action through educational, economic and cultural service activities within this State.~~

~~———— (H) Ten percent distributed to the Western Region of Phi Beta Sigma Fraternity, Inc. ; for solely for the marketing of the license plate.~~

(8) ~~{For Sigma Gamma Rho Sorority, Inc.:~~

~~———— (I) Eighty five percent distributed to the Sigma Gamma Rho Sorority National Education Fund, Inc., to promote community awareness and action through educational, economic and cultural service activities within this State.~~

~~———— (H) Ten percent distributed to the Sigma Gamma Rho Sorority National Education Fund, Inc. for solely for the marketing of the license plate.~~

~~;~~ and

(9) ~~{For Zeta Phi Beta Sorority, Inc.:~~

~~———— (I) Eighty five percent equally distributed among the Zeta Phi Beta Sorority chapters in this State for the promotion of community awareness and action through educational, economic and cultural service activities within this State.~~

~~———— (H) Ten percent equally distributed among the Zeta Phi Beta Sorority chapters in this State ; for solely for the marketing of the license plate.~~

~~{7.}~~ 6. If, during a registration period, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

~~{8.}~~ 7. The Department may accept any gifts, grants and donations or other sources of money for the production and issuance of license plates pursuant to this section. All money received pursuant to this subsection must be deposited in the Revolving Account for the Issuance of Special License Plates created by NRS 482.1805.

~~[9.]~~ 8. As used in this section, "Divine ~~[Nine organization"]~~ Nine" means ~~one of~~ the following nine member organizations ~~listed in subsection 2.] that~~ compose the National Pan-Hellenic Council:

- (a) Alpha Kappa Alpha Sorority, Inc.;
- (b) Alpha Phi Alpha Fraternity, Inc.;
- (c) Delta Sigma Theta Sorority, Inc.;
- (d) Iota Phi Theta Fraternity, Inc.;
- (e) Kappa Alpha Psi Fraternity, Inc.;
- (f) Omega Psi Phi Fraternity, Inc.;
- (g) Phi Beta Sigma Fraternity, Inc.;
- (h) Sigma Gamma Rho Sorority, Inc.; and
- (i) Zeta Phi Beta Sorority, Inc.

Sec. 2. NRS 482.2065 is hereby amended to read as follows:

482.2065 1. A trailer may be registered for a 3-year period as provided in this section.

2. A person who registers a trailer for a 3-year period must pay upon registration all fees and taxes that would be due during the 3-year period if he or she registered the trailer for 1 year and renewed that registration for 2 consecutive years immediately thereafter, including, without limitation:

- (a) Registration fees pursuant to NRS 482.480 and 482.483.
- (b) A fee for each license plate issued pursuant to NRS 482.268.
- (c) Fees for the initial issuance, reissuance and renewal of a special license plate pursuant to NRS 482.265, if applicable.
- (d) Fees for the initial issuance and renewal of a personalized prestige license plate pursuant to NRS 482.367, if applicable.
- (e) Additional fees for the initial issuance and renewal of a special license plate issued pursuant to NRS 482.3667 to 482.3823, inclusive, *and section 1 of this act* which are imposed to generate financial support for a particular cause or charitable organization, if applicable.
- (f) Governmental services taxes imposed pursuant to chapter 371 of NRS, as provided in NRS 482.260.
- (g) The applicable taxes imposed pursuant to chapters 372, 374, 377 and 377A of NRS.

3. A license plate issued pursuant to this section will be reissued as provided in NRS 482.265 except that such reissuance will be done at the first renewal after the license plate has been issued for not less than 8 years.

4. As used in this section, the term "trailer" does not include a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483.

Sec. 3. NRS 482.216 is hereby amended to read as follows:

482.216 1. Except as otherwise provided in NRS 482.2155, upon the request of a new vehicle dealer, the Department may authorize the new vehicle dealer to:

- (a) Accept applications for the registration of the new motor vehicles he or she sells and the related fees and taxes;

(b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and

(c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.

2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:

(a) Transmit the applications received to the Department within the period prescribed by the Department;

(b) Transmit the fees collected from the applicants and properly account for them within the period prescribed by the Department;

(c) Comply with the regulations adopted pursuant to subsection 5; and

(d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.

3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:

(a) Charge any additional fee for the performance of those services;

(b) Receive compensation from the Department for the performance of those services;

(c) Accept applications for the renewal of registration of a motor vehicle; or

(d) Accept an application for the registration of a motor vehicle if the applicant wishes to:

(1) Obtain special license plates pursuant to NRS 482.3667 to 482.3823, inclusive ~~to~~, and *section 1 of this act*; or

(2) Claim the exemption from the governmental services tax provided pursuant to NRS 361.1565 to veterans and their relations.

4. The provisions of this section do not apply to the registration of a moped pursuant to NRS 482.2155.

5. The Director shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations adopted pursuant to this subsection must provide for:

(a) The expedient and secure issuance of license plates and decals by the Department; and

(b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the Department.

Sec. 4. NRS 482.2703 is hereby amended to read as follows:

482.2703 1. The Director may order the preparation of sample license plates which must be of the same design and size as regular license plates or license plates issued pursuant to NRS 482.384. The Director shall ensure that:

(a) Each license plate issued pursuant to this subsection, regardless of its design, is inscribed with the word SAMPLE and an identical designation which consists of the same group of three numerals followed by the same group of three letters; and

(b) The designation of numerals and letters assigned pursuant to paragraph (a) is not assigned to a vehicle registered pursuant to this chapter or chapter 706 of NRS.

2. The Director may order the preparation of sample license plates which must be of the same design and size as any of the special license plates issued pursuant to NRS 482.3667 to 482.3823, inclusive ~~[-]~~, *and section 1 of this act*. The Director shall ensure that:

(a) Each license plate issued pursuant to this subsection, regardless of its design, is inscribed with the word SAMPLE and the number zero in the location where any other numerals would normally be displayed on a license plate of that design; and

(b) The number assigned pursuant to paragraph (a) is not assigned to a vehicle registered pursuant to this chapter or chapter 706 of NRS.

3. The Director may establish a fee for the issuance of sample license plates of not more than \$15 for each license plate.

4. A decal issued pursuant to NRS 482.271 may be displayed on a sample license plate issued pursuant to this section.

5. All money collected from the issuance of sample license plates must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

6. A person shall not affix a sample license plate issued pursuant to this section to a vehicle. A person who violates the provisions of this subsection is guilty of a misdemeanor.

Sec. 5. NRS 482.274 is hereby amended to read as follows:

482.274 1. The Director shall order the preparation of vehicle license plates for trailers in the same manner provided for motor vehicles in NRS 482.270, except that a vehicle license plate prepared for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 is not required to have displayed upon it the month and year the registration expires.

2. The Director shall order preparation of two sizes of vehicle license plates for trailers. The smaller plates may be used for trailers with a gross vehicle weight of less than 1,000 pounds.

3. The Director shall determine the registration numbers assigned to trailers.

4. Any license plates issued for a trailer before July 1, 1975, bearing a different designation from that provided for in this section, are valid during the period for which such plates were issued.

5. Any license plates issued for a trailer before January 1, 1982, are not subject to reissue pursuant to subsection 2 of NRS 482.265.

6. The Department shall not issue for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 a special license plate available pursuant to NRS 482.3667 to 482.3823, inclusive ~~[-]~~, *and section 1 of this act*.

Sec. 6. NRS 482.367004 is hereby amended to read as follows:

482.367004 1. There is hereby created the Commission on Special License Plates. The Commission is advisory to the Department and consists of five Legislators and three nonvoting members as follows:

(a) Five Legislators appointed by the Legislative Commission:

(1) One of whom is the Legislator who served as the Chair of the Assembly Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Assembly Standing Committee on Transportation during the most recent legislative session.

(2) One of whom is the Legislator who served as the Chair of the Senate Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Senate Standing Committee on Transportation during the most recent legislative session.

(b) Three nonvoting members consisting of:

(1) The Director of the Department of Motor Vehicles, or a designee of the Director.

(2) The Director of the Department of Public Safety, or a designee of the Director.

(3) The Director of the Department of Tourism and Cultural Affairs, or a designee of the Director.

2. Each member of the Commission appointed pursuant to paragraph (a) of subsection 1 serves a term of 2 years, commencing on July 1 of each odd-numbered year. A vacancy on the Commission must be filled in the same manner as the original appointment.

3. Members of the Commission serve without salary or compensation for their travel or per diem expenses.

4. The Director of the Legislative Counsel Bureau shall provide administrative support to the Commission.

5. The Commission shall recommend to the Department that the Department approve or disapprove:

(a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of NRS 482.367002;

(b) The issuance by the Department of special license plates that have been designed and prepared pursuant to NRS 482.367002; and

(c) Except as otherwise provided in subsection 7, applications for the design, preparation and issuance of special license plates that have been authorized by an act of the Legislature after January 1, 2007.

➡ In determining whether to recommend to the Department the approval of such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to,

as applicable, design, prepare or issue the particular special license plate. For the purpose of making recommendations to the Department, the Commission shall consider each application in the chronological order in which the application was received by the Department.

6. On or before September 1 of each fiscal year, the Commission shall compile a list of each special license plate for which the Commission, during the immediately preceding fiscal year, recommended to the Department that the Department approve the application for the special license plate or approve the issuance of the special license plate. The list so compiled must set forth, for each such plate, the cause or charitable organization for which the special license plate generates or would generate financial support, and the intended use to which the financial support is being put or would be put. The Commission shall transmit the information described in this subsection to the Department and the Department shall make that information available on its Internet website.

7. The provisions of paragraph (c) of subsection 5 do not apply with regard to special license plates that are issued pursuant to NRS 482.3746, 482.3751, 482.3752, 482.3757, 482.3783, 482.3785, 482.3787, 482.37901, 482.37902, 482.37906, 482.3791, 482.3794 or 482.3817 ~~[-]~~ or *section 1 of this act*.

8. The Commission shall:

(a) Recommend to the Department that the Department approve or disapprove any proposed change in the distribution of money received in the form of additional fees, including, without limitation, pursuant to subparagraph (3) of paragraph (b) of subsection 5 of NRS 482.38279. As used in this paragraph, "additional fees" means the fees that are charged in connection with the issuance or renewal of a special license plate for the benefit of a particular cause, fund or charitable organization. The term does not include registration and license fees or governmental services taxes.

(b) If it recommends a proposed change pursuant to paragraph (a) and determines that legislation is required to carry out the change, recommend to the Department that the Department request the assistance of the Legislative Counsel in the preparation of a bill draft to carry out the change.

Sec. 7. NRS 482.367008 is hereby amended to read as follows:

482.367008 1. As used in this section, "special license plate" means:

(a) A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

(b) A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938, 482.37939, 482.37945 or 482.37947; and

(c) Except for a license plate that is issued pursuant to NRS 482.3746, 482.3751, 482.3752, 482.3757, 482.3783, 482.3785, 482.3787, 482.37901,

482.37902, 482.37906, 482.3791, 482.3794 or 482.3817 ~~to~~ *or section 1 of this act*, a license plate that is approved by the Legislature after July 1, 2005.

2. Notwithstanding any other provision of law to the contrary, and except as otherwise provided in subsection 3, the Department shall not, at any one time, issue more than 30 separate designs of special license plates. Whenever the total number of separate designs of special license plates issued by the Department at any one time is less than 30, the Department shall issue a number of additional designs of special license plates that have been authorized by an act of the Legislature or the application for which has been recommended by the Commission on Special License Plates to be approved by the Department pursuant to subsection 5 of NRS 482.367004, not to exceed a total of 30 designs issued by the Department at any one time. Such additional designs must be issued by the Department in accordance with the chronological order of their authorization or approval by the Department.

3. In addition to the special license plates described in subsection 2, the Department may issue not more than five separate designs of special license plates in excess of the limit set forth in that subsection. To qualify for issuance pursuant to this subsection:

(a) The Commission on Special License Plates must have recommended to the Department that the Department approve the design, preparation and issuance of the special plates as described in paragraphs (a) and (b) of subsection 5 of NRS 482.367004; and

(b) The special license plates must have been applied for, designed, prepared and issued pursuant to NRS 482.367002, except that:

(1) The application for the special license plates must be accompanied by a surety bond posted with the Department in the amount of \$20,000; and

(2) Pursuant to the assessment of the viability of the design of the special license plates that is conducted pursuant to this section, it is determined that at least 3,000 special license plates have been issued.

4. Except as otherwise provided in this subsection, on October 1 of each year the Department shall assess the viability of each separate design of special license plate that the Department is currently issuing by determining the total number of validly registered motor vehicles to which that design of special license plate is affixed. The Department shall not determine the total number of validly registered motor vehicles to which a particular design of special license plate is affixed if:

(a) The particular design of special license plate was designed and prepared by the Department pursuant to NRS 482.367002; and

(b) On October 1, that particular design of special license plate has been available to be issued for less than 12 months.

5. If, on October 1, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

↪ the Director shall provide notice of that fact in the manner described in subsection 6.

6. The notice required pursuant to subsection 5 must be provided:

(a) If the special license plate generates financial support for a cause or charitable organization, to that cause or charitable organization.

(b) If the special license plate does not generate financial support for a cause or charitable organization, to an entity which is involved in promoting the activity, place or other matter that is depicted on the plate.

7. If, on December 31 of the same year in which notice was provided pursuant to subsections 5 and 6, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

↪ the Director shall, notwithstanding any other provision of law to the contrary, issue an order providing that the Department will no longer issue that particular design of special license plate. Except as otherwise provided in subsection 2 of NRS 482.265, such an order does not require existing holders of that particular design of special license plate to surrender their plates to the Department and does not prohibit those holders from renewing those plates.

Sec. 8. NRS 482.36705 is hereby amended to read as follows:

482.36705 1. Except as otherwise provided in subsection 2:

(a) If a new special license plate is authorized by an act of the Legislature after January 1, 2003, other than a special license plate that is authorized pursuant to NRS 482.379375, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Department receives at least 1,000 applications for the issuance of that plate within 2 years after the effective date of the act of the Legislature that authorized the plate.

(b) In addition to the requirements set forth in paragraph (a), if a new special license plate is authorized by an act of the Legislature after July 1, 2005, the Legislature will direct that the license plate not be issued by the Department unless its issuance complies with subsection 2 of NRS 482.367008.

(c) In addition to the requirements set forth in paragraphs (a) and (b), if a new special license plate is authorized by an act of the Legislature after January 1, 2007, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Commission on Special License Plates recommends to the Department that the Department approve the application for the authorized plate pursuant to NRS 482.367004.

2. The provisions of subsection 1 do not apply with regard to special license plates that are issued pursuant to NRS 482.3746, 482.3751, 482.3752, 482.3757, 482.3783, 482.3785, 482.3787, 482.37901, 482.37902, 482.37906, 482.3791, 482.3794 or 482.3817 ~~[-]~~ or section 1 of this act.

Sec. 9. NRS 482.3824 is hereby amended to read as follows:

482.3824 1. Except as otherwise provided in NRS 482.38279, with respect to any special license plate that is issued pursuant to NRS 482.3667 to 482.3823, inclusive, *and section 1 of this act* and for which additional fees are imposed for the issuance of the special license plate to generate financial support for a charitable organization:

(a) The Director shall, at the request of the charitable organization that is benefited by the particular special license plate:

(1) Order the design and preparation of souvenir license plates, the design of which must be substantially similar to the particular special license plate; and

(2) Issue such souvenir license plates, for a fee established pursuant to NRS 482.3825, only to the charitable organization that is benefited by the particular special license plate. The charitable organization may resell such souvenir license plates at a price determined by the charitable organization.

(b) The Department may, except as otherwise provided in this paragraph and after the particular special license plate is approved for issuance, issue the special license plate for a trailer, motorcycle or other type of vehicle that is not a passenger car or light commercial vehicle, excluding vehicles required to be registered with the Department pursuant to NRS 706.801 to 706.861, inclusive, full trailers or semitrailers registered pursuant to subsection 3 of NRS 482.483 and mopeds registered pursuant to NRS 482.2155, upon application by a person who is entitled to license plates pursuant to NRS 482.265 or 482.272 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter or chapter 486 of NRS. The Department may not issue a special license plate for such other types of vehicles if the Department determines that the design or manufacture of the plate for those other types of vehicles would not be feasible. In addition, if the Department incurs additional costs to manufacture a special license plate for such other types of vehicles, including, without limitation, costs associated with the purchase, manufacture or modification of dies or other equipment necessary to manufacture the special license plate for such other types of vehicles, those additional costs must be paid from private sources without any expense to the State of Nevada.

2. If, as authorized pursuant to paragraph (b) of subsection 1, the Department issues a special license plate for a trailer, motorcycle or other type of vehicle that is not a passenger car or light commercial vehicle, the Department shall charge and collect for the issuance and renewal of such a plate the same fees that the Department would charge and collect if the other type of vehicle was a passenger car or light commercial vehicle. As used in this subsection, "fees" does not include any applicable registration or license fees or governmental services taxes.

3. As used in this section:

(a) "Additional fees" has the meaning ascribed to it in NRS 482.38273.

(b) "Charitable organization" means a particular cause, charity or other entity that receives money from the imposition of additional fees in connection with the issuance of a special license plate pursuant to NRS 482.3667 to 482.3823, inclusive ~~[-]~~, *and section 1 of this act*. The term includes:

- (1) The successor, if any, of a charitable organization; and
- (2) A charitable organization to which additional fees for special license plates are distributed pursuant to subparagraph (3) of paragraph (b) of subsection 5 of NRS 482.38279.

Sec. 10. NRS 482.38276 is hereby amended to read as follows:

482.38276 "Special license plate" means:

1. A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

2. A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37904, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938, 482.37939, 482.37945 or 482.37947; and

3. Except for a license plate that is issued pursuant to NRS 482.3746, 482.3757, 482.3785, 482.3787, 482.37901, 482.37902, 482.37906, 482.3791 or 482.3794 ~~[-]~~ *or section 1 of this act*, a license plate that is approved by the Legislature after July 1, 2005.

Sec. 11. NRS 482.399 is hereby amended to read as follows:

482.399 1. Upon the transfer of the ownership of or interest in any vehicle by any holder of a valid registration, or upon destruction of the vehicle, the registration expires.

2. Except as otherwise provided in NRS 482.2155 and subsection 3 of NRS 482.483, the holder of the original registration may transfer the registration to another vehicle to be registered by the holder and use the same regular license plate or plates or special license plate or plates issued pursuant to NRS 482.3667 to 482.3823, inclusive, *and section 1 of this act*, or 482.384, on the vehicle from which the registration is being transferred, if the license plate or plates are appropriate for the second vehicle, upon filing an application for transfer of registration and upon paying the transfer registration fee and the excess, if any, of the registration fee and governmental services tax on the vehicle to which the registration is transferred over the total registration fee and governmental services tax paid on all vehicles from which he or she is transferring ownership or interest. Except as otherwise provided in NRS 482.294, an application for transfer of registration must be made in person, if practicable, to any office or agent of the Department or to a registered dealer, and the license plate or plates may not be used upon a second vehicle until registration of that vehicle is complete.

3. In computing the governmental services tax, the Department, its agent or the registered dealer shall credit the portion of the tax paid on the first vehicle attributable to the remainder of the current registration period or

calendar year on a pro rata monthly basis against the tax due on the second vehicle or on any other vehicle of which the person is the registered owner. If any person transfers ownership or interest in two or more vehicles, the Department or the registered dealer shall credit the portion of the tax paid on all of the vehicles attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner. The certificates of registration and unused license plates of the vehicles from which a person transfers ownership or interest must be submitted before credit is given against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner.

4. In computing the registration fee, the Department or its agent or the registered dealer shall credit the portion of the registration fee paid on each vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis against the registration fee due on the vehicle to which registration is transferred.

5. If the amount owed on the registration fee or governmental services tax on the vehicle to which registration is transferred is less than the credit on the total registration fee or governmental services tax paid on all vehicles from which a person transfers ownership or interest, the person may apply the unused portion of the credit to the registration of any other vehicle owned by the person. Any unused portion of such a credit expires on the date the registration of the vehicle from which the person transferred the registration was due to expire.

6. If the license plate or plates are not appropriate for the second vehicle, the plate or plates must be surrendered to the Department or registered dealer and an appropriate plate or plates must be issued by the Department. The Department shall not reissue the surrendered plate or plates until the next succeeding licensing period.

7. If application for transfer of registration is not made within 60 days after the destruction or transfer of ownership of or interest in any vehicle, the license plate or plates must be surrendered to the Department on or before the 60th day for cancellation of the registration.

8. Except as otherwise provided in subsection 2 of NRS 371.040, NRS 482.2155, subsections 7 and 8 of NRS 482.260 and subsection 3 of NRS 482.483, if a person cancels his or her registration and surrenders to the Department the license plates for a vehicle, the Department shall:

(a) In accordance with the provisions of subsection 9, issue to the person a refund of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis; or

(b) If the person does not qualify for a refund in accordance with the provisions of subsection 9, issue to the person a credit in the amount of the portion of the registration fee and governmental services tax paid on the

vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis. Such a credit may be applied by the person to the registration of any other vehicle owned by the person. Any unused portion of the credit expires on the date the registration of the vehicle from which the person obtained a refund was due to expire.

9. The Department shall issue a refund pursuant to subsection 8 only if the request for a refund is made at the time the registration is cancelled and the license plates are surrendered, the person requesting the refund is a resident of Nevada, the amount eligible for refund exceeds \$100, and evidence satisfactory to the Department is submitted that reasonably proves the existence of extenuating circumstances. For the purposes of this subsection, the term "extenuating circumstances" means circumstances wherein:

(a) The person has recently relinquished his or her driver's license and has sold or otherwise disposed of his or her vehicle.

(b) The vehicle has been determined to be inoperable and the person does not transfer the registration to a different vehicle.

(c) The owner of the vehicle is seriously ill or has died and the guardians or survivors have sold or otherwise disposed of the vehicle.

(d) Any other event occurs which the Department, by regulation, has defined to constitute an "extenuating circumstance" for the purposes of this subsection.

Sec. 12. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3 or specifically provided by statute, whenever upon application any duplicate or substitute certificate of registration, indicator, decal or number plate is issued, the following fees must be paid:

For a certificate of registration	\$5.00
For every substitute number plate or set of plates	5.00
For every duplicate number plate or set of plates	10.00
For every decal displaying a county name	.50
For every other indicator, decal, license plate sticker or tab	5.00

2. The following fees must be paid for any replacement number plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.367002, 482.3672, 482.3675, 482.370 to 482.3755, inclusive, 482.376 or 482.379 to 482.3818, inclusive, *and section 1 of this act*, a fee of \$10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of \$5.

(c) Except as otherwise provided in paragraph (a) of subsection 1 of NRS 482.3824, for any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the Director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for replacement number plates, duplicate number plates and decals displaying county names must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of replacing or duplicating the plates and manufacturing the decals.

Senator Harris moved that the Senate concur in Assembly Amendment No. 859 to Senate Bill No. 163.

Motion carried by a two-thirds majority.

Bill ordered enrolled.

Senate Bill No. 212.

The following Assembly amendments were read:

Amendment No. 603.

SUMMARY—Revises provisions relating to the use of force by peace officers. (BDR 14-215)

AN ACT relating to peace officers; revising provisions relating to the use of force by peace officers; requiring certain law enforcement agencies to adopt a written policy relating to the use of force; requiring certain law enforcement agencies to submit to the Central Repository for Nevada Records of Criminal History certain information relating to certain incidents involving the use of force by peace officers; requiring the preparation and submittal of a report relating to such information; imposing certain restrictions and requirements regarding the use of restraint chairs; prohibiting peace officers from using certain forms of force ~~(in response to protests and demonstrations);~~ under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if a defendant who is being arrested flees or forcibly resists, a peace officer may use only the amount of reasonable force necessary to effect the arrest, unless deadly force is authorized under the circumstances. (NRS 171.122) Existing law also provides that a peace officer may, after giving a warning, if feasible, use deadly force to effect the arrest of a person only if there is probable cause to believe that the person: (1) has committed a felony which involves the infliction or threat of serious bodily harm or the use of deadly force; or (2) poses a threat of serious bodily harm to the peace officer or to others. (NRS 171.1455)

Section 2 of this bill requires a peace officer to use de-escalation techniques and alternatives to the use of force ~~(that are)~~ whenever possible or appropriate and consistent with the training of the peace officer. ~~[whenever possible or appropriate.]~~ If the peace officer uses force, the peace officer must: (1) if it is possible for the peace officer to do so safely, identify himself or herself as a peace officer; and (2) use only the amount of force objectively reasonable to safely accomplish a lawful purpose. Section 2 further requires law enforcement agencies to adopt a written policy on the threat certain persons pose to peace officers or others. ~~[.]~~ and include certain information relating to

the use of force. Section 1 of this bill makes a conforming change to clarify the circumstances under which a peace officer may use force to effect an arrest.

Section ~~{3}~~ 3.3 of this bill requires: (1) each law enforcement agency to annually make available to the public and to submit monthly to the Central Repository for Nevada Records of Criminal History ~~annually~~ a report containing certain information relating to incidents involving the use of force : ~~{that occurred during the previous calendar year;}~~ and (2) the Central Repository to make the use-of-force data available to the public on its Internet website. Section ~~{3}~~ 3.3 also requires the Office of the Attorney General to: (1) review the use-of-force data that is publicly available on the Internet website of the Central Repository; (2) prepare a report containing any conclusions or recommendations resulting from its review; and (3) submit its report to the Governor and the Director of the Legislative Counsel Bureau each year. Additionally, section ~~{3}~~ 3.3: (1) requires each law enforcement agency to participate in the National Use-of-Force Data Collection of the Federal Bureau of Investigation; and (2) prohibits using the data collected under section ~~{3}~~ 3.3 in any way against a peace officer during any criminal proceeding.

Existing law provides that homicide by a public officer is justifiable in protecting against an imminent threat to the life of a person, among other circumstances. (NRS 200.140) Section 3.7 of this bill prohibits a peace officer from using deadly force against a person based on the danger that the person poses to himself or herself, if a reasonable peace officer would believe that the person does not pose an imminent threat of death or serious bodily harm to the peace officer or another person. Section 4.5 of this bill makes a conforming change to reflect the exception established in section 3.7 for when homicide by a public officer is not justifiable.

Existing law prohibits a peace officer from using a choke hold on another person or placing a person who is in the custody of the peace officer in any position which compresses his or her airway or restricts his or her ability to breathe. (NRS 193.350) Section 4 of this bill imposes certain restrictions and requirements regarding the use of a restraint chair. Section 4 also provides that in responding to a protest or demonstration, a peace officer is prohibited from: (1) discharging a kinetic energy projectile indiscriminately into a crowd or in a manner that intentionally targets the head, pelvis or spine or any other vital area of the body of a person unless the person poses an immediate threat of physical harm or death to the peace officer or others; or (2) using a chemical agent without first declaring that the protest or demonstration constitutes an unlawful assembly and providing orders to disperse ~~{}~~ under certain circumstances, an egress route from the area and reasonable time to disperse.

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

Section 1. NRS 171.122 is hereby amended to read as follows:

171.122 1. Except as otherwise provided in subsection 2, the warrant must be executed by the arrest of the defendant. The officer need not have the warrant in the officer's possession at the time of the arrest, but upon request

the officer must show the warrant to the defendant as soon as possible. If the officer does not have a warrant in the officer's possession at the time of the arrest, the officer shall then inform the defendant of the officer's intention to arrest the defendant, of the offense charged, the authority to make it and of the fact that a warrant has or has not been issued. The defendant must not be subjected to any more restraint than is necessary for the defendant's arrest and detention. If the defendant either flees or forcibly resists, the officer may ~~except as otherwise provided in NRS 171.1455,~~ use only the amount of reasonable force necessary to effect the arrest ~~as provided in NRS 171.1455 and 193.350.~~

2. In lieu of executing the warrant by arresting the defendant, a peace officer may issue a citation as provided in NRS 171.1773 if:

- (a) The warrant is issued upon an offense punishable as a misdemeanor;
- (b) The officer has no indication that the defendant has previously failed to appear on the charge reflected in the warrant;
- (c) The defendant provides satisfactory evidence of his or her identity to the peace officer;
- (d) The defendant signs a written promise to appear in court for the misdemeanor offense; and
- (e) The officer has reasonable grounds to believe that the defendant will keep a written promise to appear in court.

3. The summons must be served upon a defendant by delivering a copy to the defendant personally, or by leaving it at the defendant's dwelling house or usual place of abode with some person then residing in the house or abode who is at least 16 years of age and is of suitable discretion, or by mailing it to the defendant's last known address. In the case of a corporation, the summons must be served at least 5 days before the day of appearance fixed in the summons, by delivering a copy to an officer or to a managing or general agent or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the corporation's last known address within the State of Nevada or at its principal place of business elsewhere in the United States.

Sec. 2. NRS 171.1455 is hereby amended to read as follows:

171.1455 ~~{If necessary to prevent escape, an}~~

1. A peace officer shall use de-escalation techniques and alternatives to the use of force ~~as~~ whenever possible or appropriate and consistent with his or her training, including, without limitation, advisements, warnings, verbal persuasion and other tactics ~~, {consistent with his or her training whenever possible or appropriate.}~~ If it is necessary for the peace officer to use force, the peace officer must:

- (a) If it is possible to do so safely, identify himself or herself as a peace officer through verbal commands, visual identification, including, without limitation, a clearly marked uniform or vehicle, or other reasonable means; and

(b) *Use only the level of force that is objectively reasonable under the circumstances to bring an incident or person under control and safely accomplish a lawful purpose. The level of force used by the officer ~~is~~ must, to the extent feasible:*

(1) ~~Must be~~ *Be balanced against the level of force or resistance exhibited by the person; and*

(2) ~~Must, to the extent feasible, be~~ *Be carefully controlled.*

2. *A peace officer may, after giving a warning, if feasible, use deadly force to effect the arrest of a person only if there is probable cause to believe that the person:*

~~1.~~ (a) *Has committed a felony which involves the infliction or threat of serious bodily harm or the use of deadly force; or*

~~2.~~ (b) *Poses a threat of serious bodily harm or death to the peace officer or to others.*

3. *Each law enforcement agency shall adopt a written policy and provide training to a peace officer regarding the potential threat of serious bodily harm or death to the peace officer or others from a person who:*

(a) *Is known or reasonably believed not to be armed with a deadly weapon; and*

(b) ~~Appears to the peace officer or is~~ *Is known or reasonably believed by the peace officer to be:*

(1) *Under 13 years of age;*

(2) *Over 70 years of age;*

(3) *Physically frail;*

(4) *Mentally or physically disabled;*

(5) *Pregnant;*

(6) *Suffering from a mental or behavioral health issue; or*

(7) *Experiencing a medical emergency.*

~~4.~~ 4. *The written policy adopted and training provided pursuant to ~~this~~ subsection 3 must reflect the best practices with respect to the use of force on the persons described in ~~this~~ that subsection.*

~~4.~~ 5. *In addition to any other information required pursuant to subsection 3, the written policy must include, without limitation:*

(a) *Guidelines for the use of force;*

(b) *Guidelines for the use of deadly force;*

(c) *A requirement that peace officers utilize de-escalation techniques, crisis intervention and other alternatives to force when feasible;*

(d) *A requirement that peace officers utilize de-escalation techniques for responding to persons with mental illness or experiencing a behavioral health crisis;*

(e) *A requirement that the law enforcement agency, when feasible, send a peace officer who has been trained in crisis intervention to respond to an incident involving a person who has made suicidal statements;*

(f) *Factors for evaluating and reviewing all incidents which require the use of force; and*

(g) The date on which the written policy was adopted by the law enforcement agency.

6. As used in this section, unless the context otherwise requires:

(a) "Law enforcement agency" means:

- (1) A police department of an incorporated city;
- (2) The sheriff's office of a county;
- (3) A metropolitan police department;
- (4) The Department of Corrections;
- (5) The police department for the Nevada System of Higher Education;
- (6) Any political subdivision of this State employing park rangers to enforce laws within its jurisdiction; or
- (7) Any political subdivision of this State which has as its primary duty the enforcement of law and which employs peace officers pursuant to NRS 289.150 to 289.360, inclusive, to fulfill its duty.

(b) "Level of force" means an escalating series of actions a peace officer may use to resolve or control a situation or person depending on the intensity of the situation or resistance of the person that ranges from the use of no force to the use of deadly force.

Sec. 3. Chapter 193 of NRS is hereby amended by adding thereto ~~a new section to read as follows:~~ the provisions set forth as sections 3.3 and 3.7 of this act.

Sec. 3.3. 1. ~~On or before July 1 of each year, each~~ Each law enforcement agency shall annually make available to the public and on a monthly basis submit to the Central Repository a report that includes, without limitation, a compilation of statistics relating to incidents involving the use of force that occurred during the ~~previous~~ immediately preceding calendar year, or month, as applicable, including, without limitation:

(a) The number of complaints against peace officers employed by the law enforcement agency relating to the use of force and the number of such complaints that were substantiated; and

(b) A compilation of statistics relating to incidents involving the use of force that, for each incident, includes, without limitation, all information collected by the National Use-of-Force Data Collection of the Federal Bureau of Investigation.

2. Each law enforcement agency shall submit the report required pursuant to subsection 1 in a manner approved by the Director of the Department of Public Safety and in accordance with the policies, procedures and definitions of the Department.

3. The Central Repository shall make the use-of-force data submitted by each law enforcement agency pursuant to subsection 1 available for access by the public on the Internet website of the Central Repository.

4. The Central Repository may accept gifts, grants and donations from any source for the purpose of carrying out the provisions of this section.

5. To the extent of legislative appropriation, the Office of the Attorney General shall:

(a) Review the use-of-force data that is publicly available on the Internet website of the Central Repository;

(b) Prepare a report containing any conclusions or recommendations resulting from its review; and

(c) On or before December 1 of each year, submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature the report prepared pursuant to paragraph (b).

~~5.7~~ 6. Each law enforcement agency in this State shall participate in the National Use-of-Force Data Collection of the Federal Bureau of Investigation.

~~6.7~~ 7. Information collected pursuant to this section must not be introduced into evidence or otherwise used in any way against a peace officer during a criminal proceeding.

~~7.7~~ 8. As used in this section:

(a) "Central Repository" means the Central Repository for Nevada Records of Criminal History.

(b) "Law enforcement agency" means:

(1) The sheriff's office of a county;

(2) A metropolitan police department;

(3) A police department of an incorporated city;

(4) The Department of Corrections;

(5) The police department for the Nevada System of Higher Education;

(6) Any political subdivision of this State employing park rangers to enforce laws within its jurisdiction; or

(7) Any political subdivision of this State which has as its primary duty the enforcement of law and which employs peace officers to fulfill its duty.

(c) "Peace officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

Sec. 3.7. 1. In carrying out his or her duties, a peace officer shall not use deadly force against a person based on the danger that the person poses to himself or herself, if a reasonable peace officer would believe that the person does not pose an imminent threat of death or serious bodily harm to the peace officer or another person.

2. As used in this section, "peace officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

Sec. 4. NRS 193.350 is hereby amended to read as follows:

193.350 1. In carrying out his or her duties, a peace officer shall not use a choke hold on another person.

2. A peace officer shall not place a person who is in the custody of the peace officer in any position which compresses his or her airway or restricts his or her ability to breathe. A peace officer shall monitor any person who is in the custody of the peace officer for any signs of distress and shall take any actions necessary to place such a person in a recovery position if he or she appears to be in distress or indicates that he or she cannot breathe.

3. In carrying out his or her duties, a peace officer shall use a restraint chair on another person only if:

(a) The person resists an order of a peace officer in a physically violent or life-threatening manner;

(b) A supervising peace officer who has attained the rank of sergeant or higher authorizes the use of a restraint chair;

(c) The peace officer informs a member of the medical staff that a restraint chair will be used;

(d) A member of the medical staff conducts a medical evaluation of the person immediately before and immediately after the person is placed in the restraint chair; and

(e) The law enforcement agency that employs the peace officer creates and maintains a video recording of the incident involving the use of the restraint chair.

➡ A peace officer shall not threaten a person with the use of a restraint chair unless the person is resisting an order of the peace officer in a physically violent or life-threatening manner.

4. After a person is placed in a restraint chair:

(a) A peace officer shall visually observe the person in the restraint chair until both medical evaluations of the person have been completed pursuant to subsection 3 and at least once every 15 minutes thereafter;

(b) If the person in the restraint chair appears to be in distress or indicates that he or she is in distress or requires medical aid, a peace officer shall ensure that medical aid is rendered to the person as soon as practicable;

(c) A supervising peace officer who has attained the rank of sergeant or higher shall evaluate whether it is necessary for the person to remain in the restraint chair at least once every 30 minutes after the person has been placed in the restraint chair;

(d) The person must not be restrained in the restraint chair for more than 2 hours unless a supervising peace officer who has attained the rank of sergeant or higher approves the use of a restraint chair for more than 2 hours and such use complies with the policy adopted pursuant to this subsection; and

(e) The law enforcement agency that employs the peace officer who used the restraint chair shall create and maintain a record of the incident which includes, without limitation:

(1) The period for which the person was restrained in the restraint chair; and

(2) A description of any injuries sustained by the person as a result of the use of the restraint chair.

➡ Each law enforcement agency shall adopt a written policy that establishes the circumstances under which a person may be restrained in a restraint chair for more than 2 hours.

5. A restraint chair must not be used to restrain a person who is pregnant.

6. The provisions of subsections 3, 4 and 5 do not apply to mechanical restraint used pursuant to NRS 433.545 to 433.551, inclusive. As used in this

subsection, "mechanical restraint" has the meaning ascribed to it in NRS 433.547.

7. A peace officer shall not, in response to a protest or demonstration:

(a) Discharge a kinetic energy projectile indiscriminately into a crowd or in a manner that intentionally targets the head, pelvis or spine or any other vital area of the body of a person unless the person poses an immediate threat of physical harm or death to the peace officer or others; or

(b) Use a chemical agent without first declaring that the protest or demonstration constitutes an unlawful assembly and providing to the persons who are present at the protest or demonstration:

(1) Except as otherwise provided in this paragraph, at least three orders to disperse, given in a manner that each order may be heard by those persons, including, without limitation, issuing the order from multiple locations and issuing the order in multiple languages;

(2) An egress route from the area where the protest or demonstration is occurring; and

(3) A reasonable amount of time to disperse from the area where the protest or demonstration is occurring.

➔ ~~If there is an immediate threat of physical harm or death to a person for or off~~
, then no order to disperse must be provided. If there is an immediate threat of
harm to property, then only one order to disperse must be provided.

8. If a peace officer, in carrying out his or her duties, uses physical force on another person, the peace officer shall ensure that medical aid is rendered to any person who is injured by the use of such physical force as soon as practicable.

~~{4.}~~ 9. As used in this section:

(a) "Chemical agent" means any chemical which can rapidly produce sensory irritation or disabling physical effects in humans, which disappear within a short time following termination of exposure. The term includes, without limitation, items commonly referred to as tear gas, pepper spray, pepper balls and oleoresin capsicum.

(b) "Choke hold" means:

(1) A method by which a person applies sufficient pressure to another person to make breathing difficult or impossible, including, without limitation, any pressure to the neck, throat or windpipe that may prevent or hinder breathing or reduce intake of air; or

(2) Applying pressure to a person's neck on either side of the windpipe, but not the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.

~~{(b)}~~ (c) "Kinetic energy projectile" means any type of device designed to be nonlethal or less lethal than standard ammunition and to be launched from any device as a projectile that may cause bodily injury through the transfer of kinetic energy and blunt force trauma. The term includes, without limitation, items commonly referred to as rubber bullets, plastic bullets, beanbag rounds and foam-tipped plastic rounds.

(d) "Peace officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

~~[(e)]~~ (e) "Physical force" means the application of physical techniques, chemical agents or weapons to another person.

(f) "Restraint chair" means a chair that secures a person in an upright sitting position by restricting the movement of the arms, legs and torso of the person.

Sec. 4.5. NRS 200.140 is hereby amended to read as follows:

200.140 Homicide is justifiable when committed by a public officer, or person acting under the command and in the aid of the public officer, in the following cases:

1. In obedience to the judgment of a competent court.
2. When necessary to overcome actual resistance to the execution of the legal process, mandate or order of a court or officer, or in the discharge of a legal duty.
3. When necessary:
 - (a) In retaking an escaped or rescued prisoner who has been committed, arrested for, or convicted of a felony;
 - (b) In attempting, by lawful ways or means, to apprehend or arrest a person;
 - (c) In lawfully suppressing a riot or preserving the peace; or
 - (d) ~~[(a)]~~ Except as otherwise provided in section 3.7 of this act, in protecting against an imminent threat to the life of a person.

Sec. 5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the legislature.

Sec. 6. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 7. 1. This section becomes effective upon passage and approval.

2. Sections 1, 2, ~~[(4, 5)]~~ 3 and 3.7 to 6, inclusive, of this act become effective on October 1, 2021.

3. Section ~~[(3)]~~ 3.3 of this act becomes effective:

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

(b) On ~~[(October 1, 2022, for all other purposes.)]~~ the date that the Director of the Department of Public Safety determines that there is sufficient funding to carry out the provisions of that section.

Amendment No. 824.

SUMMARY—Revises provisions relating to the use of force by peace officers. (BDR 14-215)

AN ACT relating to peace officers; revising provisions relating to the use of force by peace officers; requiring certain law enforcement agencies to adopt a written policy relating to the use of force; requiring certain law enforcement agencies to submit to the Central Repository for Nevada Records of Criminal History certain information relating to certain incidents involving the use of

force by peace officers; requiring the preparation and submittal of a report relating to such information; imposing certain restrictions and requirements regarding the use of restraint chairs; prohibiting peace officers from using certain forms of force under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if a defendant who is being arrested flees or forcibly resists, a peace officer may use only the amount of reasonable force necessary to effect the arrest, unless deadly force is authorized under the circumstances. (NRS 171.122) Existing law also provides that a peace officer may, after giving a warning, if feasible, use deadly force to effect the arrest of a person only if there is probable cause to believe that the person: (1) has committed a felony which involves the infliction or threat of serious bodily harm or the use of deadly force; or (2) poses a threat of serious bodily harm to the peace officer or to others. (NRS 171.1455)

Section 2 of this bill requires a peace officer to use de-escalation techniques and alternatives to the use of force whenever possible or appropriate and consistent with the training of the peace officer. If the peace officer uses force, the peace officer must: (1) if it is possible for the peace officer to do so safely, identify himself or herself as a peace officer; and (2) use only the amount of force objectively reasonable to safely accomplish a lawful purpose. Section 2 further requires law enforcement agencies to adopt a written policy on the threat certain persons pose to peace officers or others and include certain information relating to the use of force. Section 1 of this bill makes a conforming change to clarify the circumstances under which a peace officer may use force to effect an arrest.

Section 3.3 of this bill requires: (1) each law enforcement agency to annually make available to the public and to submit monthly to the Central Repository for Nevada Records of Criminal History a report containing certain information relating to incidents involving the use of force; and (2) the Central Repository to make the use-of-force data available to the public on its Internet website. Section 3.3 also requires the Office of the Attorney General to: (1) review the use-of-force data that is publicly available on the Internet website of the Central Repository; (2) prepare a report containing any conclusions or recommendations resulting from its review; and (3) submit its report to the Governor and the Director of the Legislative Counsel Bureau each year. Additionally, section 3.3: (1) requires each law enforcement agency to participate in the National Use-of-Force Data Collection of the Federal Bureau of Investigation; and (2) prohibits using the data collected under section 3.3 in any way against a peace officer during any criminal proceeding.

Existing law provides that homicide by a public officer or person acting under the command and in the aid of the public officer is justifiable in protecting against an imminent threat to the life of a person, among other circumstances. (NRS 200.140) Section 3.7 of this bill prohibits a peace officer from using deadly force against a person based on the danger that the person

poses to himself or herself, if a reasonable peace officer would believe that the person does not pose an imminent threat of death or serious bodily harm to the peace officer or another person. Section 4.5 of this bill : (1) makes a conforming change to reflect the exception established in section 3.7 for when homicide by a ~~public~~ peace officer is not justifiable ~~[-]~~ ; and (2) changes the persons who are authorized to assert that a homicide is justifiable to include peace officers and persons acting under the command and in the aid of peace officers, rather than public officers and persons acting under the command and in the aid of public officers.

Existing law prohibits a peace officer from using a choke hold on another person or placing a person who is in the custody of the peace officer in any position which compresses his or her airway or restricts his or her ability to breathe. (NRS 193.350) Section 4 of this bill imposes certain restrictions and requirements regarding the use of a restraint chair. Section 4 also provides that in responding to a protest or demonstration, a peace officer is prohibited from: (1) discharging a kinetic energy projectile indiscriminately into a crowd or in a manner that intentionally targets the head, pelvis or spine or any other vital area of the body of a person unless the person poses an immediate threat of physical harm or death to the peace officer or others; or (2) using a chemical agent without first declaring that the protest or demonstration constitutes an unlawful assembly and providing orders to disperse under certain circumstances, an egress route from the area and reasonable time to disperse.

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

Section 1. NRS 171.122 is hereby amended to read as follows:

171.122 1. Except as otherwise provided in subsection 2, the warrant must be executed by the arrest of the defendant. The officer need not have the warrant in the officer's possession at the time of the arrest, but upon request the officer must show the warrant to the defendant as soon as possible. If the officer does not have a warrant in the officer's possession at the time of the arrest, the officer shall then inform the defendant of the officer's intention to arrest the defendant, of the offense charged, the authority to make it and of the fact that a warrant has or has not been issued. The defendant must not be subjected to any more restraint than is necessary for the defendant's arrest and detention. If the defendant either flees or forcibly resists, the officer may ~~[- except as otherwise provided in NRS 171.1455,]~~ use only the amount of reasonable force necessary to effect the arrest ~~[-] as provided in NRS 171.1455 and 193.350.~~

2. In lieu of executing the warrant by arresting the defendant, a peace officer may issue a citation as provided in NRS 171.1773 if:

- (a) The warrant is issued upon an offense punishable as a misdemeanor;
- (b) The officer has no indication that the defendant has previously failed to appear on the charge reflected in the warrant;
- (c) The defendant provides satisfactory evidence of his or her identity to the peace officer;

(d) The defendant signs a written promise to appear in court for the misdemeanor offense; and

(e) The officer has reasonable grounds to believe that the defendant will keep a written promise to appear in court.

3. The summons must be served upon a defendant by delivering a copy to the defendant personally, or by leaving it at the defendant's dwelling house or usual place of abode with some person then residing in the house or abode who is at least 16 years of age and is of suitable discretion, or by mailing it to the defendant's last known address. In the case of a corporation, the summons must be served at least 5 days before the day of appearance fixed in the summons, by delivering a copy to an officer or to a managing or general agent or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the corporation's last known address within the State of Nevada or at its principal place of business elsewhere in the United States.

Sec. 2. NRS 171.1455 is hereby amended to read as follows:

171.1455 ~~{If necessary to prevent escape, an}~~

1. *A peace officer shall use de-escalation techniques and alternatives to the use of force whenever possible or appropriate and consistent with his or her training, including, without limitation, advisements, warnings, verbal persuasion and other tactics. If it is necessary for the peace officer to use force, the peace officer must:*

(a) If it is possible to do so safely, identify himself or herself as a peace officer through verbal commands, visual identification, including, without limitation, a clearly marked uniform or vehicle, or other reasonable means; and

(b) Use only the level of force that is objectively reasonable under the circumstances to bring an incident or person under control and safely accomplish a lawful purpose. The level of force used by the officer must, to the extent feasible:

(1) Be balanced against the level of force or resistance exhibited by the person; and

(2) Be carefully controlled.

2. A peace officer may, after giving a warning, if feasible, use deadly force to effect the arrest of a person only if there is probable cause to believe that the person:

~~{1-}~~ (a) Has committed a felony which involves the infliction or threat of serious bodily harm or the use of deadly force; or

~~{2-}~~ (b) Poses a threat of serious bodily harm or death to the peace officer or to others.

3. *Each law enforcement agency shall adopt a written policy and provide training to a peace officer regarding the potential threat of serious bodily harm or death to the peace officer or others from a person who:*

(a) *Is known or reasonably believed not to be armed with a deadly weapon; and*

(b) *Is known or reasonably believed by the peace officer to be:*

- (1) *Under 13 years of age;*
- (2) *Over 70 years of age;*
- (3) *Physically frail;*
- (4) *Mentally or physically disabled;*
- (5) *Pregnant;*
- (6) *Suffering from a mental or behavioral health issue; or*
- (7) *Experiencing a medical emergency.*

4. *The written policy adopted and training provided pursuant to subsection 3 must reflect the best practices with respect to the use of force on the persons described in that subsection.*

5. *In addition to any other information required pursuant to subsection 3, the written policy must include, without limitation:*

- (a) *Guidelines for the use of force;*
- (b) *Guidelines for the use of deadly force;*
- (c) *A requirement that peace officers utilize de-escalation techniques, crisis intervention and other alternatives to force when feasible;*
- (d) *A requirement that peace officers utilize de-escalation techniques for responding to persons with mental illness or experiencing a behavioral health crisis;*
- (e) *A requirement that the law enforcement agency, when feasible, send a peace officer who has been trained in crisis intervention to respond to an incident involving a person who has made suicidal statements;*
- (f) *Factors for evaluating and reviewing all incidents which require the use of force; and*
- (g) *The date on which the written policy was adopted by the law enforcement agency.*

6. *As used in this section, unless the context otherwise requires:*

- (a) *"Law enforcement agency" means:*
 - (1) *A police department of an incorporated city;*
 - (2) *The sheriff's office of a county;*
 - (3) *A metropolitan police department;*
 - (4) *The Department of Corrections;*
 - (5) *The police department for the Nevada System of Higher Education;*
 - (6) *Any political subdivision of this State employing park rangers to enforce laws within its jurisdiction; or*
 - (7) *Any political subdivision of this State which has as its primary duty the enforcement of law and which employs peace officers pursuant to NRS 289.150 to 289.360, inclusive, to fulfill its duty.*

(b) *"Level of force" means an escalating series of actions a peace officer may use to resolve or control a situation or person depending on the intensity of the situation or resistance of the person that ranges from the use of no force to the use of deadly force.*

Sec. 3. Chapter 193 of NRS is hereby amended by adding thereto the provisions set forth as sections 3.3 and 3.7 of this act.

Sec. 3.3. 1. *Each law enforcement agency shall annually make available to the public and on a monthly basis submit to the Central Repository a report that includes, without limitation, a compilation of statistics relating to incidents involving the use of force that occurred during the immediately preceding calendar year, or month, as applicable, including, without limitation:*

(a) The number of complaints against peace officers employed by the law enforcement agency relating to the use of force and the number of such complaints that were substantiated; and

(b) A compilation of statistics relating to incidents involving the use of force that, for each incident, includes, without limitation, all information collected by the National Use-of-Force Data Collection of the Federal Bureau of Investigation.

2. *Each law enforcement agency shall submit the report required pursuant to subsection 1 in a manner approved by the Director of the Department of Public Safety and in accordance with the policies, procedures and definitions of the Department.*

3. *The Central Repository shall make the use-of-force data submitted by each law enforcement agency pursuant to subsection 1 available for access by the public on the Internet website of the Central Repository.*

4. *The Central Repository may accept gifts, grants and donations from any source for the purpose of carrying out the provisions of this section.*

5. *To the extent of legislative appropriation, the Office of the Attorney General shall:*

(a) Review the use-of-force data that is publicly available on the Internet website of the Central Repository;

(b) Prepare a report containing any conclusions or recommendations resulting from its review; and

(c) On or before December 1 of each year, submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature the report prepared pursuant to paragraph (b).

6. *Each law enforcement agency in this State shall participate in the National Use-of-Force Data Collection of the Federal Bureau of Investigation.*

7. *Information collected pursuant to this section must not be introduced into evidence or otherwise used in any way against a peace officer during a criminal proceeding.*

8. *As used in this section:*

(a) "Central Repository" means the Central Repository for Nevada Records of Criminal History.

(b) "Law enforcement agency" means:

(1) The sheriff's office of a county;

(2) A metropolitan police department;

(3) A police department of an incorporated city;

(4) *The Department of Corrections;*

(5) *The police department for the Nevada System of Higher Education;*

(6) *Any political subdivision of this State employing park rangers to enforce laws within its jurisdiction; or*

(7) *Any political subdivision of this State which has as its primary duty the enforcement of law and which employs peace officers to fulfill its duty.*

(c) *"Peace officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.*

Sec. 3.7. 1. *In carrying out his or her duties, a peace officer shall not use deadly force against a person based on the danger that the person poses to himself or herself, if a reasonable peace officer would believe that the person does not pose an imminent threat of death or serious bodily harm to the peace officer or another person.*

2. *As used in this section, "peace officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.*

Sec. 4. NRS 193.350 is hereby amended to read as follows:

193.350 1. *In carrying out his or her duties, a peace officer shall not use a choke hold on another person.*

2. *A peace officer shall not place a person who is in the custody of the peace officer in any position which compresses his or her airway or restricts his or her ability to breathe. A peace officer shall monitor any person who is in the custody of the peace officer for any signs of distress and shall take any actions necessary to place such a person in a recovery position if he or she appears to be in distress or indicates that he or she cannot breathe.*

3. *In carrying out his or her duties, a peace officer shall use a restraint chair on another person only if:*

(a) *The person resists an order of a peace officer in a physically violent or life-threatening manner;*

(b) *A supervising peace officer who has attained the rank of sergeant or higher authorizes the use of a restraint chair;*

(c) *The peace officer informs a member of the medical staff that a restraint chair will be used;*

(d) *A member of the medical staff conducts a medical evaluation of the person immediately before and immediately after the person is placed in the restraint chair; and*

(e) *The law enforcement agency that employs the peace officer creates and maintains a video recording of the incident involving the use of the restraint chair.*

↪ *A peace officer shall not threaten a person with the use of a restraint chair unless the person is resisting an order of the peace officer in a physically violent or life-threatening manner.*

4. *After a person is placed in a restraint chair:*

(a) A peace officer shall visually observe the person in the restraint chair until both medical evaluations of the person have been completed pursuant to subsection 3 and at least once every 15 minutes thereafter;

(b) If the person in the restraint chair appears to be in distress or indicates that he or she is in distress or requires medical aid, a peace officer shall ensure that medical aid is rendered to the person as soon as practicable;

(c) A supervising peace officer who has attained the rank of sergeant or higher shall evaluate whether it is necessary for the person to remain in the restraint chair at least once every 30 minutes after the person has been placed in the restraint chair;

(d) The person must not be restrained in the restraint chair for more than 2 hours unless a supervising peace officer who has attained the rank of sergeant or higher approves the use of a restraint chair for more than 2 hours and such use complies with the policy adopted pursuant to this subsection; and

(e) The law enforcement agency that employs the peace officer who used the restraint chair shall create and maintain a record of the incident which includes, without limitation:

(1) The period for which the person was restrained in the restraint chair; and

(2) A description of any injuries sustained by the person as a result of the use of the restraint chair.

➡ Each law enforcement agency shall adopt a written policy that establishes the circumstances under which a person may be restrained in a restraint chair for more than 2 hours.

5. A restraint chair must not be used to restrain a person who is pregnant.

6. The provisions of subsections 3, 4 and 5 do not apply to mechanical restraint used pursuant to NRS 433.545 to 433.551, inclusive. As used in this subsection, "mechanical restraint" has the meaning ascribed to it in NRS 433.547.

7. A peace officer shall not, in response to a protest or demonstration:

(a) Discharge a kinetic energy projectile indiscriminately into a crowd or in a manner that intentionally targets the head, pelvis or spine or any other vital area of the body of a person unless the person poses an immediate threat of physical harm or death to the peace officer or others; or

(b) Use a chemical agent without first declaring that the protest or demonstration constitutes an unlawful assembly and providing to the persons who are present at the protest or demonstration:

(1) Except as otherwise provided in this paragraph, at least three orders to disperse, given in a manner that each order may be heard by those persons, including, without limitation, issuing the order from multiple locations and issuing the order in multiple languages;

(2) An egress route from the area where the protest or demonstration is occurring; and

(3) A reasonable amount of time to disperse from the area where the protest or demonstration is occurring.

➡ *If there is an immediate threat of physical harm or death to a person, then no order to disperse must be provided. If there is an immediate threat of harm to property, then only one order to disperse must be provided.*

8. If a peace officer, in carrying out his or her duties, uses physical force on another person, the peace officer shall ensure that medical aid is rendered to any person who is injured by the use of such physical force as soon as practicable.

~~{4.}~~ 9. As used in this section:

(a) "Chemical agent" means any chemical which can rapidly produce sensory irritation or disabling physical effects in humans, which disappear within a short time following termination of exposure. The term includes, without limitation, items commonly referred to as tear gas, pepper spray, pepper balls and oleoresin capsicum.

(b) "Choke hold" means:

(1) A method by which a person applies sufficient pressure to another person to make breathing difficult or impossible, including, without limitation, any pressure to the neck, throat or windpipe that may prevent or hinder breathing or reduce intake of air; or

(2) Applying pressure to a person's neck on either side of the windpipe, but not the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.

~~{(b)}~~ (c) "Kinetic energy projectile" means any type of device designed to be nonlethal or less lethal than standard ammunition and to be launched from any device as a projectile that may cause bodily injury through the transfer of kinetic energy and blunt force trauma. The term includes, without limitation, items commonly referred to as rubber bullets, plastic bullets, beanbag rounds and foam-tipped plastic rounds.

(d) "Peace officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

~~{(e)}~~ (e) "Physical force" means the application of physical techniques, chemical agents or weapons to another person.

(f) "Restraint chair" means a chair that secures a person in an upright sitting position by restricting the movement of the arms, legs and torso of the person.

Sec. 4.5. NRS 200.140 is hereby amended to read as follows:

200.140 1. Homicide is justifiable when committed by a ~~{public}~~ peace officer, or person acting under the command and in the aid of the ~~{public}~~ peace officer, in the following cases:

~~{1.}~~ (a) In obedience to the judgment of a competent court.

~~{2.}~~ (b) When necessary to overcome actual resistance to the execution of the legal process, mandate or order of a court or officer, or in the discharge of a legal duty.

~~{3.}~~ (c) When necessary:

~~{(a)}~~ (1) In retaking an escaped or rescued prisoner who has been committed, arrested for, or convicted of a felony;

~~[(b)] (2)~~ In attempting, by lawful ways or means ~~to~~ and in accordance with the provisions of NRS 171.1455, to apprehend or arrest a person;

~~[(c)] (3)~~ In lawfully suppressing a riot or preserving the peace; or

~~[(d)] In~~

(4) Except as otherwise provided in section 3.7 of this act, in protecting against an imminent threat to the life of a person.

2. As used in this section, "peace officer" has the meaning ascribed to it in NRS 169.125.

Sec. 5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the legislature.

Sec. 6. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 7. 1. This section becomes effective upon passage and approval.

2. Sections 1, 2, 3 and 3.7 to 6, inclusive, of this act become effective on October 1, 2021.

3. Section 3.3 of this act becomes effective:

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

(b) On the date that the Director of the Department of Public Safety determines that there is sufficient funding to carry out the provisions of that section.

Senator Scheible moved that the Senate concur in Assembly Amendments Nos. 603, 824 to Senate Bill No. 212.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 290.

The following Assembly amendments were read:

Amendment No. 568.

SUMMARY—Enacts provisions relating to prescription drugs for the treatment of cancer. (BDR 57-973)

AN ACT relating to insurance; requiring certain insurers to allow a person who has been diagnosed with stage 3 or 4 cancer and is covered by the insurer to apply for an exemption from required step therapy for certain drugs; requiring such insurers to grant such an exemption in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires local governments that provide health coverage for employees through a self-insurance reserve fund, private sector employers who provide health benefits for their employees, insurers who issue individual or group health policies, medical services corporations and health maintenance organizations to cover certain prescription drugs for the treatment of cancer. (NRS 287.010, 608.1555, 689A.0404, 689B.0365, 695B.1908, 695C.1733)

Sections 1, 3, 4, 6-8, 11, 12 and 13 of this bill require all health insurers, including public and private sector employers that provide health benefits for their employees but excluding Medicaid, to allow a covered person who has been diagnosed with stage 3 or 4 cancer or the attending practitioner of such a covered person to apply for an exemption from step therapy that would otherwise be required for a prescription drug to treat the cancer or any symptom thereof of the covered person. Sections 1, 3, 4, 6-8, 11, 12 and 13 require an insurer to: (1) grant such an exemption in certain circumstances; and (2) post a form for applying for such an exemption in an easily accessible location on the Internet website of the insurer. Sections 2 and 5 of this bill make conforming changes to indicate the placement of sections 1 and 4 in the Nevada Revised Statutes. Sections 9 and 11.5 of this bill exempt from the provisions of sections 8 and 11, respectively, a health maintenance organization or other managed care organization that provides health care services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program. Section 10 of this bill authorizes the Commissioner of Insurance to suspend or revoke the certificate of a health maintenance organization that fails to comply with the requirements of section 8. The Commissioner is also authorized to take such action against other health insurers who fail to comply with the requirements of sections 1, 3, 4, 6, 7 and 11 of this bill. (NRS 680A.200)

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

Section 1. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *An insurer that offers or issues a policy of health insurance which provides coverage of a prescription drug for the treatment of cancer or any symptom of cancer that is part of a step therapy protocol shall allow an insured who has been diagnosed with stage 3 or 4 cancer or the attending practitioner of the insured to apply for an exemption from the step therapy protocol. The application process for such an exemption must:*

(a) Allow the insured or attending practitioner, or a designated advocate for the insured or attending practitioner, to present to the insurer the clinical rationale for the exemption and any relevant medical information.

(b) Clearly prescribe the information and supporting documentation that must be submitted with the application, the criteria that will be used to evaluate the request and the conditions under which an expedited determination pursuant to subsection 4 is warranted.

(c) Require the review of each application by at least one physician, registered nurse or pharmacist.

2. *The information and supporting documentation required pursuant to paragraph (b) of subsection 1:*

(a) May include, without limitation:

(1) The medical history or other health records of the insured demonstrating that the insured has:

(I) Tried other drugs included in the pharmacological class of drugs for which the exemption is requested without success; or

(II) Taken the requested drug for a clinically appropriate amount of time to establish stability in relation to the cancer and the guidelines of the prescribing practitioner; and

(2) Any other relevant clinical information.

(b) Must not include any information or supporting documentation that is not necessary to make a determination about the application.

3. Except as otherwise provided in subsection 4, an insurer that receives an application for an exemption pursuant to subsection 1 shall:

(a) Make a determination concerning the application if the application is complete or request additional information or documentation necessary to complete the application not later than 72 hours after receiving the application; and

(b) If it requests additional information or documentation, make a determination concerning the application not later than 72 hours after receiving the requested information or documentation.

4. If, in the opinion of the attending practitioner, a step therapy protocol may seriously jeopardize the life or health of the insured, an insurer that receives an application for an exemption pursuant to subsection 1 must make a determination concerning the application as expeditiously as necessary to avoid serious jeopardy to the life or health of the insured.

5. An insurer shall disclose to the insured or attending practitioner who submits an application for an exemption from a step therapy protocol pursuant to subsection 1 the ~~(name and)~~ qualifications of each person who will review the application.

6. An insurer must grant an exemption from a step therapy protocol in response to an application submitted pursuant to subsection 1 if:

(a) Any treatment otherwise required under the step therapy or any drug in the same pharmacological class or having the same mechanism of action as the drug for which the exemption is requested has not been effective at treating the cancer or symptom of the insured when prescribed in accordance with clinical indications, clinical guidelines or other peer-reviewed evidence;

(b) Delay of effective treatment would have severe or irreversible consequences for the insured and the treatment otherwise required under the step therapy is not reasonably expected to be effective based on the physical or mental characteristics of the insured and the known characteristics of the treatment;

(c) Each treatment otherwise required under the step therapy:

(1) Is contraindicated for the insured or has caused or is likely, based on peer-reviewed clinical evidence, to cause an adverse reaction or other physical harm to the insured; or

(2) Has prevented or is likely to prevent the insured from performing the responsibilities of his or her occupation or engaging in activities of daily living, as defined in 42 C.F.R. § 441.505;

(d) *The condition of the insured is stable while being treated with the prescription drug for which the exemption is requested and the insured has previously received approval for coverage of that drug; or*

(e) *Any other condition for which such an exemption is required by regulation of the Commissioner is met.*

7. *If an insurer approves an application for an exemption from a step therapy protocol pursuant to this section, the insurer must cover the prescription drug to which the exemption applies in accordance with the terms of the applicable policy of health insurance. The insurer may initially limit the coverage to a 1-week supply of the drug for which the exemption is granted. If the attending practitioner determines after 1 week that the drug is effective at treating the cancer or symptom for which it was prescribed, the insurer must continue to cover the drug for as long as it is necessary to treat the insured for the cancer or symptom. The insurer may conduct a review not more frequently than once each quarter to determine, in accordance with available medical evidence, whether the drug remains necessary to treat the insured for the cancer or symptom. The insurer shall provide a report of the review to the insured.*

8. *An insurer shall post in an easily accessible location on an Internet website maintained by the insurer a form for requesting an exemption pursuant to this section.*

9. *A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~(October)~~ January 1, ~~2021,~~ 2022, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with this section is void.*

10. *As used in this section, "attending practitioner" means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the cancer or any symptom of such cancer of an insured.*

Sec. 2. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[-]~~, and section 1 of this act.

Sec. 3. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *An insurer that offers or issues a policy of group health insurance which provides coverage of a prescription drug for the treatment of cancer or any symptom of cancer that is part of a step therapy protocol shall allow an insured who has been diagnosed with stage 3 or 4 cancer or the attending practitioner of the insured to apply for an exemption from the step therapy protocol. The application process for such an exemption must:*

(a) Allow the insured or attending practitioner, or a designated advocate for the insured or attending practitioner, to present to the insurer the clinical rationale for the exemption and any relevant medical information.

(b) Clearly prescribe the information and supporting documentation that must be submitted with the application, the criteria that will be used to evaluate the request and the conditions under which an expedited determination pursuant to subsection 4 is warranted.

(c) Require the review of each application by at least one physician, registered nurse or pharmacist.

2. The information and supporting documentation required pursuant to paragraph (b) of subsection 1:

(a) May include, without limitation:

(1) The medical history or other health records of the insured demonstrating that the insured has:

(I) Tried other drugs included in the pharmacological class of drugs for which the exemption is requested without success; or

(II) Taken the requested drug for a clinically appropriate amount of time to establish stability in relation to the cancer and the guidelines of the prescribing practitioner; and

(2) Any other relevant clinical information.

(b) Must not include any information or supporting documentation that is not necessary to make a determination about the application.

3. Except as otherwise provided in subsection 4, an insurer that receives an application for an exemption pursuant to subsection 1 shall:

(a) Make a determination concerning the application if the application is complete or request additional information or documentation necessary to complete the application not later than 72 hours after receiving the application; and

(b) If it requests additional information or documentation, make a determination concerning the application not later than 72 hours after receiving the requested information or documentation.

4. If, in the opinion of the attending practitioner, a step therapy protocol may seriously jeopardize the life or health of the insured, an insurer that receives an application for an exemption pursuant to subsection 1 must make a determination concerning the application as expeditiously as necessary to avoid serious jeopardy to the life or health of the insured.

5. An insurer shall disclose to the insured or attending practitioner who submits an application for an exemption from a step therapy protocol pursuant to subsection 1 the ~~name and~~ qualifications of each person who will review the application.

6. An insurer must grant an exemption from a step therapy protocol in response to an application submitted pursuant to subsection 1 if:

(a) Any treatment otherwise required under the step therapy or any drug in the same pharmacological class or having the same mechanism of action as the drug for which the exemption is requested has not been effective at treating

the cancer or symptom of the insured when prescribed in accordance with clinical indications, clinical guidelines or other peer-reviewed evidence;

(b) Delay of effective treatment would have severe or irreversible consequences for the insured and the treatment otherwise required under the step therapy is not reasonably expected to be effective based on the physical or mental characteristics of the insured and the known characteristics of the treatment;

(c) Each treatment otherwise required under the step therapy:

(1) Is contraindicated for the insured or has caused or is likely, based on peer-reviewed clinical evidence, to cause an adverse reaction or other physical harm to the insured; or

(2) Has prevented or is likely to prevent the insured from performing the responsibilities of his or her occupation or engaging in activities of daily living, as defined in 42 C.F.R. § 441.505;

(d) The condition of the insured is stable while being treated with the prescription drug for which the exemption is requested and the insured has previously received approval for coverage of that drug; or

(e) Any other condition for which such an exemption is required by regulation of the Commissioner is met.

7. *If an insurer approves an application for an exemption from a step therapy protocol pursuant to this section, the insurer must cover the prescription drug to which the exemption applies in accordance with the terms of the applicable policy of group health insurance. The insurer may initially limit the coverage to a 1-week supply of the drug for which the exemption is granted. If the attending practitioner determines after 1 week that the drug is effective at treating the cancer or symptom for which it was prescribed, the insurer must continue to cover the drug for as long as it is necessary to treat the insured for the cancer or symptom. The insurer may conduct a review not more frequently than once each quarter to determine, in accordance with available medical evidence, whether the drug remains necessary to treat the insured for the cancer or symptom. The insurer shall provide a report of the review to the insured.*

8. *An insurer shall post in an easily accessible location on an Internet website maintained by the insurer a form for requesting an exemption pursuant to this section.*

9. *A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~October 1, 2021,~~ January 1, 2022, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with this section is void.*

10. *As used in this section, "attending practitioner" means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the cancer or any symptom of such cancer of an insured.*

Sec. 4. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A carrier that offers or issues a health benefit plan which provides coverage of a prescription drug for the treatment of cancer or any symptom of cancer that is part of a step therapy protocol shall allow an insured who has been diagnosed with stage 3 or 4 cancer or the attending practitioner of the insured to apply for an exemption from the step therapy protocol. The application process for such an exemption must:

(a) Allow the insured or attending practitioner, or a designated advocate for the insured or attending practitioner, to present to the carrier the clinical rationale for the exemption and any relevant medical information.

(b) Clearly prescribe the information and supporting documentation that must be submitted with the application, the criteria that will be used to evaluate the request and the conditions under which an expedited determination pursuant to subsection 4 is warranted.

(c) Require the review of each application by at least one physician, registered nurse or pharmacist.

2. The information and supporting documentation required pursuant to paragraph (b) of subsection 1:

(a) May include, without limitation:

(1) The medical history or other health records of the insured demonstrating that the insured has:

(I) Tried other drugs included in the pharmacological class of drugs for which the exemption is requested without success; or

(II) Taken the requested drug for a clinically appropriate amount of time to establish stability in relation to the cancer and the guidelines of the prescribing practitioner; and

(2) Any other relevant clinical information.

(b) Must not include any information or supporting documentation that is not necessary to make a determination about the application.

3. Except as otherwise provided in subsection 4, a carrier that receives an application for an exemption pursuant to subsection 1 shall:

(a) Make a determination concerning the application if the application is complete or request additional information or documentation necessary to complete the application not later than 72 hours after receiving the application; and

(b) If it requests additional information or documentation, make a determination concerning the application not later than 72 hours after receiving the requested information or documentation.

4. If, in the opinion of the attending practitioner, a step therapy protocol may seriously jeopardize the life or health of the insured, a carrier that receives an application for an exemption pursuant to subsection 1 must make a determination concerning the application as expeditiously as necessary to avoid serious jeopardy to the life or health of the insured.

5. A carrier shall disclose to the insured or attending practitioner who submits an application for an exemption from a step therapy protocol pursuant

to subsection 1 the ~~(name and)~~ qualifications of each person who will review the application.

6. A carrier must grant an exemption from a step therapy protocol in response to an application submitted pursuant to subsection 1 if:

(a) Any treatment otherwise required under the step therapy or any drug in the same pharmacological class or having the same mechanism of action as the drug for which the exemption is requested has not been effective at treating the cancer or symptom of the insured when prescribed in accordance with clinical indications, clinical guidelines or other peer-reviewed evidence;

(b) Delay of effective treatment would have severe or irreversible consequences for the insured and the treatment otherwise required under the step therapy is not reasonably expected to be effective based on the physical or mental characteristics of the insured and the known characteristics of the treatment;

(c) Each treatment otherwise required under the step therapy:

(1) Is contraindicated for the insured or has caused or is likely, based on peer-reviewed clinical evidence, to cause an adverse reaction or other physical harm to the insured; or

(2) Has prevented or is likely to prevent the insured from performing the responsibilities of his or her occupation or engaging in activities of daily living, as defined in 42 C.F.R. § 441.505;

(d) The condition of the insured is stable while being treated with the prescription drug for which the exemption is requested and the insured has previously received approval for coverage of that drug; or

(e) Any other condition for which such an exemption is required by regulation of the Commissioner is met.

7. If a carrier approves an application for an exemption from a step therapy protocol pursuant to this section, the carrier must cover the prescription drug to which the exemption applies in accordance with the terms of the applicable health benefit plan. The carrier may initially limit the coverage to a 1-week supply of the drug for which the exemption is granted. If the attending practitioner determines after 1 week that the drug is effective at treating the cancer or symptom for which it was prescribed, the carrier must continue to cover the drug for as long as it is necessary to treat the insured for the cancer or symptom. The carrier may conduct a review not more frequently than once each quarter to determine, in accordance with available medical evidence, whether the drug remains necessary to treat the insured for the cancer or symptom. The carrier shall provide a report of the review to the insured.

8. A carrier shall post in an easily accessible location on an Internet website maintained by the carrier a form for requesting an exemption pursuant to this section.

9. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~October 1~~ January 1,

~~[2021,]~~ 2022, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with this section is void.

10. As used in this section, "attending practitioner" means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the cancer or any symptom of such cancer of an insured.

Sec. 5. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, and section 4 of this act to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 6. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A society that offers or issues a benefit contract which provides coverage of a prescription drug for the treatment of cancer or any symptom of cancer that is part of a step therapy protocol shall allow an insured who has been diagnosed with stage 3 or 4 cancer or the attending practitioner of the insured to apply for an exemption from the step therapy protocol. The application process for such an exemption must:

(a) Allow the insured or attending practitioner, or a designated advocate for the insured or attending practitioner, to present to the society the clinical rationale for the exemption and any relevant medical information.

(b) Clearly prescribe the information and supporting documentation that must be submitted with the application, the criteria that will be used to evaluate the request and the conditions under which an expedited determination pursuant to subsection 4 is warranted.

(c) Require the review of each application by at least one physician, registered nurse or pharmacist.

2. The information and supporting documentation required pursuant to paragraph (b) of subsection 1:

(a) May include, without limitation:

(1) The medical history or other health records of the insured demonstrating that the insured has:

(I) Tried other drugs included in the pharmacological class of drugs for which the exemption is requested without success; or

(II) Taken the requested drug for a clinically appropriate amount of time to establish stability in relation to the cancer and the guidelines of the prescribing practitioner; and

(2) Any other relevant clinical information.

(b) Must not include any information or supporting documentation that is not necessary to make a determination about the application.

3. Except as otherwise provided in subsection 4, a society that receives an application for an exemption pursuant to subsection 1 shall:

(a) Make a determination concerning the application if the application is complete or request additional information or documentation necessary to

complete the application not later than 72 hours after receiving the application; and

(b) If it requests additional information or documentation, make a determination concerning the application not later than 72 hours after receiving the requested information or documentation.

4. If, in the opinion of the attending practitioner, a step therapy protocol may seriously jeopardize the life or health of the insured, a society that receives an application for an exemption pursuant to subsection 1 must make a determination concerning the application as expeditiously as necessary to avoid serious jeopardy to the life or health of the insured.

5. A society shall disclose to the insured or attending practitioner who submits an application for an exemption from a step therapy protocol pursuant to subsection 1 the ~~(name and)~~ qualifications of each person who will review the application.

6. A society must grant an exemption from a step therapy protocol in response to an application submitted pursuant to subsection 1 if:

(a) Any treatment otherwise required under the step therapy or any drug in the same pharmacological class or having the same mechanism of action as the drug for which the exemption is requested has not been effective at treating the cancer or symptom of the insured when prescribed in accordance with clinical indications, clinical guidelines or other peer-reviewed evidence;

(b) Delay of effective treatment would have severe or irreversible consequences for the insured and the treatment otherwise required under the step therapy is not reasonably expected to be effective based on the physical or mental characteristics of the insured and the known characteristics of the treatment;

(c) Each treatment otherwise required under the step therapy:

(1) Is contraindicated for the insured or has caused or is likely, based on peer-reviewed clinical evidence, to cause an adverse reaction or other physical harm to the insured; or

(2) Has prevented or is likely to prevent the insured from performing the responsibilities of his or her occupation or engaging in activities of daily living, as defined in 42 C.F.R. § 441.505;

(d) The condition of the insured is stable while being treated with the prescription drug for which the exemption is requested and the insured has previously received approval for coverage of that drug; or

(e) Any other condition for which such an exemption is required by regulation of the Commissioner is met.

7. If a society approves an application for an exemption from a step therapy protocol pursuant to this section, the society must cover the prescription drug to which the exemption applies in accordance with the terms of the applicable benefit contract. The society may initially limit the coverage to a 1-week supply of the drug for which the exemption is granted. If the attending practitioner determines after 1 week that the drug is effective at treating the cancer or symptom for which it was prescribed, the society must

continue to cover the drug for as long as it is necessary to treat the insured for the cancer or symptom. The society may conduct a review not more frequently than once each quarter to determine, in accordance with available medical evidence, whether the drug remains necessary to treat the insured for the cancer or symptom. The society shall provide a report of the review to the insured.

8. *A society shall post in an easily accessible location on an Internet website maintained by the society a form for requesting an exemption pursuant to this section.*

9. *A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~October 1, 2021~~ January 1, 2022, has the legal effect of including the coverage required by this section, and any provision of the benefit contract that conflicts with this section is void.*

10. *As used in this section, "attending practitioner" means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the cancer or any symptom of such cancer of an insured.*

Sec. 7. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A hospital or medical services corporation that offers or issues a policy of health insurance which provides coverage of a prescription drug for the treatment of cancer or any symptom of cancer that is part of a step therapy protocol shall allow an insured who has been diagnosed with stage 3 or 4 cancer or the attending practitioner of the insured to apply for an exemption from the step therapy protocol. The application process for such an exemption must:*

(a) Allow the insured or attending practitioner, or a designated advocate for the insured or attending practitioner, to present to the a hospital or medial services corporation the clinical rationale for the exemption and any relevant medical information.

(b) Clearly prescribe the information and supporting documentation that must be submitted with the application, the criteria that will be used to evaluate the request and the conditions under which an expedited determination pursuant to subsection 4 is warranted.

(c) Require the review of each application by at least one physician, registered nurse or pharmacist.

2. *The information and supporting documentation required pursuant to paragraph (b) of subsection 1:*

(a) May include, without limitation:

(1) The medical history or other health records of the insured demonstrating that the insured has:

(I) Tried other drugs included in the pharmacological class of drugs for which the exemption is requested without success; or

(II) Taken the requested drug for a clinically appropriate amount of time to establish stability in relation to the cancer and the guidelines of the prescribing practitioner; and

(2) Any other relevant clinical information.

(b) Must not include any information or supporting documentation that is not necessary to make a determination about the application.

3. Except as otherwise provided in subsection 4, a hospital or medical services corporation that receives an application for an exemption pursuant to subsection 1 shall:

(a) Make a determination concerning the application if the application is complete or request additional information or documentation necessary to complete the application not later than 72 hours after receiving the application; and

(b) If it requests additional information or documentation, make a determination concerning the application not later than 72 hours after receiving the requested information or documentation.

4. If, in the opinion of the attending practitioner, a step therapy protocol may seriously jeopardize the life or health of the insured, a hospital or medical services corporation that receives an application for an exemption pursuant to subsection 1 must make a determination concerning the application as expeditiously as necessary to avoid serious jeopardy to the life or health of the insured.

5. A hospital or medical services corporation shall disclose to the insured or attending practitioner who submits an application for an exemption from a step therapy protocol pursuant to subsection 1 the ~~name and~~ qualifications of each person who will review the application.

6. A hospital or medical services corporation must grant an exemption from a step therapy protocol in response to an application submitted pursuant to subsection 1 if:

(a) Any treatment otherwise required under the step therapy or any drug in the same pharmacological class or having the same mechanism of action as the drug for which the exemption is requested has not been effective at treating the cancer or symptom of the insured when prescribed in accordance with clinical indications, clinical guidelines or other peer-reviewed evidence;

(b) Delay of effective treatment would have severe or irreversible consequences for the insured and the treatment otherwise required under the step therapy is not reasonably expected to be effective based on the physical or mental characteristics of the insured and the known characteristics of the treatment;

(c) Each treatment otherwise required under the step therapy:

(1) Is contraindicated for the insured or has caused or is likely, based on peer-reviewed clinical evidence, to cause an adverse reaction or other physical harm to the insured; or

(2) Has prevented or is likely to prevent the insured from performing the responsibilities of his or her occupation or engaging in activities of daily living, as defined in 42 C.F.R. § 441.505;

(d) The condition of the insured is stable while being treated with the prescription drug for which the exemption is requested and the insured has previously received approval for coverage of that drug; or

(e) Any other condition for which such an exemption is required by regulation of the Commissioner is met.

7. If a hospital or medical services corporation approves an application for an exemption from a step therapy protocol pursuant to this section, the hospital or medical services corporation must cover the prescription drug to which the exemption applies in accordance with the terms of the applicable policy of health insurance. The hospital or medical services corporation may initially limit the coverage to a 1-week supply of the drug for which the exemption is granted. If the attending practitioner determines after 1 week that the drug is effective at treating the cancer or symptom for which it was prescribed, the hospital or medical services corporation must continue to cover the drug for as long as it is necessary to treat the insured for the cancer or symptom. The hospital or medical services corporation may conduct a review not more frequently than once each quarter to determine, in accordance with available medical evidence, whether the drug remains necessary to treat the insured for the cancer or symptom. The hospital or medical services corporation shall provide a report of the review to the insured.

8. A hospital or medical services corporation shall post in an easily accessible location on an Internet website maintained by the hospital or medical services corporation a form for requesting an exemption pursuant to this section.

9. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~October 1, 2021,~~ January 1, 2022, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with this section is void.

10. As used in this section, "attending practitioner" means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the cancer or any symptom of such cancer of an insured.

Sec. 8. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health maintenance organization that offers or issues a health care plan which provides coverage of a prescription drug for the treatment of cancer or any symptom of cancer that is part of a step therapy protocol shall allow an enrollee who has been diagnosed with stage 3 or 4 cancer or the attending practitioner of the enrollee to apply for an exemption from the step therapy protocol. The application process for such an exemption must:

(a) Allow the enrollee or attending practitioner, or a designated advocate for the enrollee or attending practitioner, to present to the health maintenance organization the clinical rationale for the exemption and any relevant medical information.

(b) Clearly prescribe the information and supporting documentation that must be submitted with the application, the criteria that will be used to evaluate the request and the conditions under which an expedited determination pursuant to subsection 4 is warranted.

(c) Require the review of each application by at least one physician, registered nurse or pharmacist.

2. The information and supporting documentation required pursuant to paragraph (b) of subsection 1:

(a) May include, without limitation:

(1) The medical history or other health records of the enrollee demonstrating that the enrollee has:

(I) Tried other drugs included in the pharmacological class of drugs for which the exemption is requested without success; or

(II) Taken the requested drug for a clinically appropriate amount of time to establish stability in relation to the cancer and the guidelines of the prescribing practitioner; and

(2) Any other relevant clinical information.

(b) Must not include any information or supporting documentation that is not necessary to make a determination about the application.

3. Except as otherwise provided in subsection 4, a health maintenance organization that receives an application for an exemption pursuant to subsection 1 shall:

(a) Make a determination concerning the application if the application is complete or request additional information or documentation necessary to complete the application not later than 72 hours after receiving the application; and

(b) If it requests additional information or documentation, make a determination concerning the application not later than 72 hours after receiving the requested information or documentation.

4. If, in the opinion of the attending practitioner, a step therapy protocol may seriously jeopardize the life or health of the enrollee, a health maintenance organization that receives an application for an exemption pursuant to subsection 1 must make a determination concerning the application as expeditiously as necessary to avoid serious jeopardy to the life or health of the enrollee.

5. A health maintenance organization shall disclose to the enrollee or attending practitioner who submits an application for an exemption from a step therapy protocol pursuant to subsection 1 the ~~name and~~ qualifications of each person who will review the application.

6. A health maintenance organization must grant an exemption from a step therapy protocol in response to an application submitted pursuant to subsection 1 if:

(a) Any treatment otherwise required under the step therapy or any drug in the same pharmacological class or having the same mechanism of action as the drug for which the exemption is requested has not been effective at treating the cancer or symptom of the enrollee when prescribed in accordance with clinical indications, clinical guidelines or other peer-reviewed evidence;

(b) Delay of effective treatment would have severe or irreversible consequences for the enrollee and the treatment otherwise required under the step therapy is not reasonably expected to be effective based on the physical or mental characteristics of the enrollee and the known characteristics of the treatment;

(c) Each treatment otherwise required under the step therapy:

(1) Is contraindicated for the enrollee or has caused or is likely, based on peer-reviewed clinical evidence, to cause an adverse reaction or other physical harm to the enrollee; or

(2) Has prevented or is likely to prevent the enrollee from performing the responsibilities of his or her occupation or engaging in activities of daily living, as defined in 42 C.F.R. § 441.505;

(d) The condition of the enrollee is stable while being treated with the prescription drug for which the exemption is requested and the enrollee has previously received approval for coverage of that drug; or

(e) Any other condition for which such an exemption is required by regulation of the Commissioner is met.

7. If a health maintenance organization approves an application for an exemption from a step therapy protocol pursuant to this section, the health maintenance organization must cover the prescription drug to which the exemption applies in accordance with the terms of the applicable health care plan. The health maintenance organization may initially limit the coverage to a 1-week supply of the drug for which the exemption is granted. If the attending practitioner determines after 1 week that the drug is effective at treating the cancer or symptom for which it was prescribed, the health maintenance organization must continue to cover the drug for as long as it is necessary to treat the enrollee for the cancer or symptom. The health maintenance organization may conduct a review not more frequently than once each quarter to determine, in accordance with available medical evidence, whether the drug remains necessary to treat the enrollee for the cancer or symptom. The health maintenance organization shall provide a report of the review to the enrollee.

8. A health maintenance organization shall post in an easily accessible location on an Internet website maintained by the health maintenance organization a form for requesting an exemption pursuant to this section.

9. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~October 1,~~ January 1,

~~{2021,}~~ 2022, has the legal effect of including the coverage required by this section, and any provision of the health care plan that conflicts with this section is void.

10. As used in this section, "attending practitioner" means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the cancer or any symptom of such cancer of an enrollee.

Sec. 9. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.176 to 695C.200, inclusive, and 695C.265 and section 8 of this act do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17345, 695C.1735, 695C.1745 and 695C.1757 apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 10. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140,

unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, *and section 8 of this act* or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or

solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 11. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A managed care organization that offers or issues a health care plan which provides coverage of a prescription drug for the treatment of cancer or any symptom of cancer that is part of a step therapy protocol shall allow an insured who has been diagnosed with stage 3 or 4 cancer or the attending practitioner of the insured to apply for an exemption from the step therapy protocol. The application process for such an exemption must:*

(a) *Allow the insured or attending practitioner, or a designated advocate for the insured or attending practitioner, to present to the managed care organization the clinical rationale for the exemption and any relevant medical information.*

(b) *Clearly prescribe the information and supporting documentation that must be submitted with the application, the criteria that will be used to evaluate the request and the conditions under which an expedited determination pursuant to subsection 4 is warranted.*

(c) *Require the review of each application by at least one physician, registered nurse or pharmacist.*

2. *The information and supporting documentation required pursuant to paragraph (b) of subsection 1:*

(a) *May include, without limitation:*

(1) *The medical history or other health records of the insured demonstrating that the insured has:*

(I) *Tried other drugs included in the pharmacological class of drugs for which the exemption is requested without success; or*

(II) *Taken the requested drug for a clinically appropriate amount of time to establish stability in relation to the cancer and the guidelines of the prescribing practitioner; and*

(2) *Any other relevant clinical information.*

(b) *Must not include any information or supporting documentation that is not necessary to make a determination about the application.*

3. *Except as otherwise provided in subsection 4, a managed care organization that receives an application for an exemption pursuant to subsection 1 shall:*

(a) *Make a determination concerning the application if the application is complete or request additional information or documentation necessary to complete the application not later than 72 hours after receiving the application; and*

(b) *If it requests additional information or documentation, make a determination concerning the application not later than 72 hours after receiving the requested information or documentation.*

4. If, in the opinion of the attending practitioner, a step therapy protocol may seriously jeopardize the life or health of the insured, a managed care organization that receives an application for an exemption pursuant to subsection 1 must make a determination concerning the application as expeditiously as necessary to avoid serious jeopardy to the life or health of the insured.

5. A managed care organization shall disclose to the insured or attending practitioner who submits an application for an exemption from a step therapy protocol pursuant to subsection 1 the ~~(name and)~~ qualifications of each person who will review the application.

6. A managed care organization must grant an exemption from a step therapy protocol in response to an application submitted pursuant to subsection 1 if:

(a) Any treatment otherwise required under the step therapy or any drug in the same pharmacological class or having the same mechanism of action as the drug for which the exemption is requested has not been effective at treating the cancer or symptom of the insured when prescribed in accordance with clinical indications, clinical guidelines or other peer-reviewed evidence;

(b) Delay of effective treatment would have severe or irreversible consequences for the insured and the treatment otherwise required under the step therapy is not reasonably expected to be effective based on the physical or mental characteristics of the insured and the known characteristics of the treatment;

(c) Each treatment otherwise required under the step therapy:

(1) Is contraindicated for the insured or has caused or is likely, based on peer-reviewed clinical evidence, to cause an adverse reaction or other physical harm to the insured; or

(2) Has prevented or is likely to prevent the insured from performing the responsibilities of his or her occupation or engaging in activities of daily living, as defined in 42 C.F.R. § 441.505;

(d) The condition of the insured is stable while being treated with the prescription drug for which the exemption is requested and the insured has previously received approval for coverage of that drug; or

(e) Any other condition for which such an exemption is required by regulation of the Commissioner is met.

7. If a managed care organization approves an application for an exemption from a step therapy protocol pursuant to this section, the managed care organization must cover the prescription drug to which the exemption applies in accordance with the terms of the applicable health care plan. The managed care organization may initially limit the coverage to a 1-week supply of the drug for which the exemption is granted. If the attending practitioner determines after 1 week that the drug is effective at treating the cancer or symptom for which it was prescribed, the managed care organization must continue to cover the drug for as long as it is necessary to treat the insured for the cancer or symptom. The managed care organization may conduct a review

not more frequently than once each quarter to determine, in accordance with available medical evidence, whether the drug remains necessary to treat the insured for the cancer or symptom. The managed care organization shall provide a report of the review to the insured.

8. *A managed care organization shall post in an easily accessible location on an Internet website maintained by the managed care organization a form for requesting an exemption pursuant to this section.*

9. *A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~October 1, 2021~~ January 1, 2022, has the legal effect of including the coverage required by this section, and any provision of the health care plan that conflicts with this section is void.*

10. *As used in this section, "attending practitioner" means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the cancer or any symptom of such cancer of an insured.*

Sec. 11.5. NRS 695G.090 is hereby amended to read as follows:

695G.090 1. Except as otherwise provided in subsection 3, the provisions of this chapter apply to each organization and insurer that operates as a managed care organization and may include, without limitation, an insurer that issues a policy of health insurance, an insurer that issues a policy of individual or group health insurance, a carrier serving small employers, a fraternal benefit society, a hospital or medical service corporation and a health maintenance organization.

2. In addition to the provisions of this chapter, each managed care organization shall comply with:

(a) The provisions of chapter 686A of NRS, including all obligations and remedies set forth therein; and

(b) Any other applicable provision of this title.

3. The provisions of NRS 695G.164, 695G.1645, 695G.167, 695G.200 to 695G.230, inclusive, and 695G.430 *and section 11 of this act* do not apply to a managed care organization that provides health care services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a managed care organization from any provision of this chapter for services provided pursuant to any other contract.

Sec. 12. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body

to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 687B.408, 689B.030 to 689B.050, inclusive, *and section 3 of this act*, 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this

section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 13. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 687B.409, 689B.255, 695G.150, 695G.155, 695G.160, 695G.162, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.170 to 695G.174, inclusive, *and section 11 of this act*, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 18. *This act becomes effective on January 1, 2022.*

Amendment No. 854.

SUMMARY—Enacts provisions relating to prescription drugs for the treatment of cancer. (BDR 57-973)

AN ACT relating to insurance; requiring certain insurers to allow a person who has been diagnosed with stage 3 or 4 cancer and is covered by the insurer to apply for an exemption from required step therapy for certain drugs; requiring such insurers to grant such an exemption in certain circumstances; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires local governments that provide health coverage for employees through a self-insurance reserve fund, private sector employers who provide health benefits for their employees, insurers who issue individual or group health policies, medical services corporations and health maintenance organizations to cover certain prescription drugs for the treatment of cancer. (NRS 287.010, 608.1555, 689A.0404, 689B.0365, 695B.1908, 695C.1733) Sections 1, 3, 4, ~~6-8, 11, 12 and 13~~ 6-9 and 11-14.5 of this bill require all health insurers, including public and private sector employers that provide health benefits for their employees ~~(but excluding)~~ and Medicaid, to allow a covered person who has been diagnosed with stage 3 or 4 cancer or the attending practitioner of such a covered person to apply for an exemption from step therapy that would otherwise be required for a prescription drug to treat the cancer or any symptom thereof of the covered person. Sections 1, 3, 4, ~~6-8, 11, 12 and 13~~ 6-9 and 11-14.5 require an insurer to: (1) grant such an exemption in certain circumstances; and (2) post a form for applying for such an exemption in an easily accessible location on the Internet website of the insurer. Sections 2, ~~and~~ 5, 15.3 and 15.6 of this bill make conforming changes to indicate the placement of sections 1, ~~and~~ 4 and 14.5 in the Nevada Revised Statutes. ~~[Sections 9 and 11.5 of this bill exempt from the provisions of sections 8 and 11, respectively, a health maintenance organization or other managed care organization that provides health care services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program.]~~ Section 10 of this bill authorizes the Commissioner of Insurance to suspend or revoke the certificate of a health maintenance organization that fails to comply with the requirements of section 8. The Commissioner is also authorized to take such action against other health insurers who fail to comply with the requirements of sections 1, 3, 4, 6, 7 and 11 of this bill. (NRS 680A.200) Sections 16.3 and 16.8 of this bill make appropriations to pay the increased costs for prescription drugs to the Public Employees' Benefits Program and Medicaid associated with complying with the provisions of this bill.

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

Section 1. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *An insurer that offers or issues a policy of health insurance which provides coverage of a prescription drug for the treatment of cancer or any symptom of cancer that is part of a step therapy protocol shall allow an insured who has been diagnosed with stage 3 or 4 cancer or the attending practitioner of the insured to apply for an exemption from the step therapy protocol. The application process for such an exemption must:*

(a) Allow the insured or attending practitioner, or a designated advocate for the insured or attending practitioner, to present to the insurer the clinical rationale for the exemption and any relevant medical information.

(b) Clearly prescribe the information and supporting documentation that must be submitted with the application, the criteria that will be used to evaluate the request and the conditions under which an expedited determination pursuant to subsection 4 is warranted.

(c) Require the review of each application by at least one physician, registered nurse or pharmacist.

2. The information and supporting documentation required pursuant to paragraph (b) of subsection 1:

(a) May include, without limitation:

(1) The medical history or other health records of the insured demonstrating that the insured has:

(I) Tried other drugs included in the pharmacological class of drugs for which the exemption is requested without success; or

(II) Taken the requested drug for a clinically appropriate amount of time to establish stability in relation to the cancer and the guidelines of the prescribing practitioner; and

(2) Any other relevant clinical information.

(b) Must not include any information or supporting documentation that is not necessary to make a determination about the application.

3. Except as otherwise provided in subsection 4, an insurer that receives an application for an exemption pursuant to subsection 1 shall:

(a) Make a determination concerning the application if the application is complete or request additional information or documentation necessary to complete the application not later than 72 hours after receiving the application; and

(b) If it requests additional information or documentation, make a determination concerning the application not later than 72 hours after receiving the requested information or documentation.

4. If, in the opinion of the attending practitioner, a step therapy protocol may seriously jeopardize the life or health of the insured, an insurer that receives an application for an exemption pursuant to subsection 1 must make a determination concerning the application as expeditiously as necessary to avoid serious jeopardy to the life or health of the insured.

5. An insurer shall disclose to the insured or attending practitioner who submits an application for an exemption from a step therapy protocol pursuant to subsection 1 the qualifications of each person who will review the application.

6. An insurer must grant an exemption from a step therapy protocol in response to an application submitted pursuant to subsection 1 if:

(a) Any treatment otherwise required under the step therapy or any drug in the same pharmacological class or having the same mechanism of action as the drug for which the exemption is requested has not been effective at treating the cancer or symptom of the insured when prescribed in accordance with clinical indications, clinical guidelines or other peer-reviewed evidence;

(b) Delay of effective treatment would have severe or irreversible consequences for the insured and the treatment otherwise required under the step therapy is not reasonably expected to be effective based on the physical or mental characteristics of the insured and the known characteristics of the treatment;

(c) Each treatment otherwise required under the step therapy:

(1) Is contraindicated for the insured or has caused or is likely, based on peer-reviewed clinical evidence, to cause an adverse reaction or other physical harm to the insured; or

(2) Has prevented or is likely to prevent the insured from performing the responsibilities of his or her occupation or engaging in activities of daily living, as defined in 42 C.F.R. § 441.505;

(d) The condition of the insured is stable while being treated with the prescription drug for which the exemption is requested and the insured has previously received approval for coverage of that drug; or

(e) Any other condition for which such an exemption is required by regulation of the Commissioner is met.

7. If an insurer approves an application for an exemption from a step therapy protocol pursuant to this section, the insurer must cover the prescription drug to which the exemption applies in accordance with the terms of the applicable policy of health insurance. The insurer may initially limit the coverage to a 1-week supply of the drug for which the exemption is granted. If the attending practitioner determines after 1 week that the drug is effective at treating the cancer or symptom for which it was prescribed, the insurer must continue to cover the drug for as long as it is necessary to treat the insured for the cancer or symptom. The insurer may conduct a review not more frequently than once each quarter to determine, in accordance with available medical evidence, whether the drug remains necessary to treat the insured for the cancer or symptom. The insurer shall provide a report of the review to the insured.

8. An insurer shall post in an easily accessible location on an Internet website maintained by the insurer a form for requesting an exemption pursuant to this section.

9. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2022, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with this section is void.

10. As used in this section, "attending practitioner" means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the cancer or any symptom of such cancer of an insured.

Sec. 2. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the

Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[-]~~, and section 1 of this act.

Sec. 3. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *An insurer that offers or issues a policy of group health insurance which provides coverage of a prescription drug for the treatment of cancer or any symptom of cancer that is part of a step therapy protocol shall allow an insured who has been diagnosed with stage 3 or 4 cancer or the attending practitioner of the insured to apply for an exemption from the step therapy protocol. The application process for such an exemption must:*

(a) *Allow the insured or attending practitioner, or a designated advocate for the insured or attending practitioner, to present to the insurer the clinical rationale for the exemption and any relevant medical information.*

(b) *Clearly prescribe the information and supporting documentation that must be submitted with the application, the criteria that will be used to evaluate the request and the conditions under which an expedited determination pursuant to subsection 4 is warranted.*

(c) *Require the review of each application by at least one physician, registered nurse or pharmacist.*

2. *The information and supporting documentation required pursuant to paragraph (b) of subsection 1:*

(a) *May include, without limitation:*

(1) *The medical history or other health records of the insured demonstrating that the insured has:*

(I) *Tried other drugs included in the pharmacological class of drugs for which the exemption is requested without success; or*

(II) *Taken the requested drug for a clinically appropriate amount of time to establish stability in relation to the cancer and the guidelines of the prescribing practitioner; and*

(2) *Any other relevant clinical information.*

(b) *Must not include any information or supporting documentation that is not necessary to make a determination about the application.*

3. *Except as otherwise provided in subsection 4, an insurer that receives an application for an exemption pursuant to subsection 1 shall:*

(a) *Make a determination concerning the application if the application is complete or request additional information or documentation necessary to complete the application not later than 72 hours after receiving the application; and*

(b) *If it requests additional information or documentation, make a determination concerning the application not later than 72 hours after receiving the requested information or documentation.*

4. *If, in the opinion of the attending practitioner, a step therapy protocol may seriously jeopardize the life or health of the insured, an insurer that receives an application for an exemption pursuant to subsection 1 must make*

a determination concerning the application as expeditiously as necessary to avoid serious jeopardy to the life or health of the insured.

5. *An insurer shall disclose to the insured or attending practitioner who submits an application for an exemption from a step therapy protocol pursuant to subsection 1 the qualifications of each person who will review the application.*

6. *An insurer must grant an exemption from a step therapy protocol in response to an application submitted pursuant to subsection 1 if:*

(a) Any treatment otherwise required under the step therapy or any drug in the same pharmacological class or having the same mechanism of action as the drug for which the exemption is requested has not been effective at treating the cancer or symptom of the insured when prescribed in accordance with clinical indications, clinical guidelines or other peer-reviewed evidence;

(b) Delay of effective treatment would have severe or irreversible consequences for the insured and the treatment otherwise required under the step therapy is not reasonably expected to be effective based on the physical or mental characteristics of the insured and the known characteristics of the treatment;

(c) Each treatment otherwise required under the step therapy:

(1) Is contraindicated for the insured or has caused or is likely, based on peer-reviewed clinical evidence, to cause an adverse reaction or other physical harm to the insured; or

(2) Has prevented or is likely to prevent the insured from performing the responsibilities of his or her occupation or engaging in activities of daily living, as defined in 42 C.F.R. § 441.505;

(d) The condition of the insured is stable while being treated with the prescription drug for which the exemption is requested and the insured has previously received approval for coverage of that drug; or

(e) Any other condition for which such an exemption is required by regulation of the Commissioner is met.

7. *If an insurer approves an application for an exemption from a step therapy protocol pursuant to this section, the insurer must cover the prescription drug to which the exemption applies in accordance with the terms of the applicable policy of group health insurance. The insurer may initially limit the coverage to a 1-week supply of the drug for which the exemption is granted. If the attending practitioner determines after 1 week that the drug is effective at treating the cancer or symptom for which it was prescribed, the insurer must continue to cover the drug for as long as it is necessary to treat the insured for the cancer or symptom. The insurer may conduct a review not more frequently than once each quarter to determine, in accordance with available medical evidence, whether the drug remains necessary to treat the insured for the cancer or symptom. The insurer shall provide a report of the review to the insured.*

8. An insurer shall post in an easily accessible location on an Internet website maintained by the insurer a form for requesting an exemption pursuant to this section.

9. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2022, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with this section is void.

10. As used in this section, "attending practitioner" means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the cancer or any symptom of such cancer of an insured.

Sec. 4. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A carrier that offers or issues a health benefit plan which provides coverage of a prescription drug for the treatment of cancer or any symptom of cancer that is part of a step therapy protocol shall allow an insured who has been diagnosed with stage 3 or 4 cancer or the attending practitioner of the insured to apply for an exemption from the step therapy protocol. The application process for such an exemption must:

(a) Allow the insured or attending practitioner, or a designated advocate for the insured or attending practitioner, to present to the carrier the clinical rationale for the exemption and any relevant medical information.

(b) Clearly prescribe the information and supporting documentation that must be submitted with the application, the criteria that will be used to evaluate the request and the conditions under which an expedited determination pursuant to subsection 4 is warranted.

(c) Require the review of each application by at least one physician, registered nurse or pharmacist.

2. The information and supporting documentation required pursuant to paragraph (b) of subsection 1:

(a) May include, without limitation:

(1) The medical history or other health records of the insured demonstrating that the insured has:

(I) Tried other drugs included in the pharmacological class of drugs for which the exemption is requested without success; or

(II) Taken the requested drug for a clinically appropriate amount of time to establish stability in relation to the cancer and the guidelines of the prescribing practitioner; and

(2) Any other relevant clinical information.

(b) Must not include any information or supporting documentation that is not necessary to make a determination about the application.

3. Except as otherwise provided in subsection 4, a carrier that receives an application for an exemption pursuant to subsection 1 shall:

(a) Make a determination concerning the application if the application is complete or request additional information or documentation necessary to

complete the application not later than 72 hours after receiving the application; and

(b) If it requests additional information or documentation, make a determination concerning the application not later than 72 hours after receiving the requested information or documentation.

4. If, in the opinion of the attending practitioner, a step therapy protocol may seriously jeopardize the life or health of the insured, a carrier that receives an application for an exemption pursuant to subsection 1 must make a determination concerning the application as expeditiously as necessary to avoid serious jeopardy to the life or health of the insured.

5. A carrier shall disclose to the insured or attending practitioner who submits an application for an exemption from a step therapy protocol pursuant to subsection 1 the qualifications of each person who will review the application.

6. A carrier must grant an exemption from a step therapy protocol in response to an application submitted pursuant to subsection 1 if:

(a) Any treatment otherwise required under the step therapy or any drug in the same pharmacological class or having the same mechanism of action as the drug for which the exemption is requested has not been effective at treating the cancer or symptom of the insured when prescribed in accordance with clinical indications, clinical guidelines or other peer-reviewed evidence;

(b) Delay of effective treatment would have severe or irreversible consequences for the insured and the treatment otherwise required under the step therapy is not reasonably expected to be effective based on the physical or mental characteristics of the insured and the known characteristics of the treatment;

(c) Each treatment otherwise required under the step therapy:

(1) Is contraindicated for the insured or has caused or is likely, based on peer-reviewed clinical evidence, to cause an adverse reaction or other physical harm to the insured; or

(2) Has prevented or is likely to prevent the insured from performing the responsibilities of his or her occupation or engaging in activities of daily living, as defined in 42 C.F.R. § 441.505;

(d) The condition of the insured is stable while being treated with the prescription drug for which the exemption is requested and the insured has previously received approval for coverage of that drug; or

(e) Any other condition for which such an exemption is required by regulation of the Commissioner is met.

7. If a carrier approves an application for an exemption from a step therapy protocol pursuant to this section, the carrier must cover the prescription drug to which the exemption applies in accordance with the terms of the applicable health benefit plan. The carrier may initially limit the coverage to a 1-week supply of the drug for which the exemption is granted. If the attending practitioner determines after 1 week that the drug is effective at treating the cancer or symptom for which it was prescribed, the carrier must

continue to cover the drug for as long as it is necessary to treat the insured for the cancer or symptom. The carrier may conduct a review not more frequently than once each quarter to determine, in accordance with available medical evidence, whether the drug remains necessary to treat the insured for the cancer or symptom. The carrier shall provide a report of the review to the insured.

8. *A carrier shall post in an easily accessible location on an Internet website maintained by the carrier a form for requesting an exemption pursuant to this section.*

9. *A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2022, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with this section is void.*

10. *As used in this section, "attending practitioner" means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the cancer or any symptom of such cancer of an insured.*

Sec. 5. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, *and section 4 of this act* to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 6. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A society that offers or issues a benefit contract which provides coverage of a prescription drug for the treatment of cancer or any symptom of cancer that is part of a step therapy protocol shall allow an insured who has been diagnosed with stage 3 or 4 cancer or the attending practitioner of the insured to apply for an exemption from the step therapy protocol. The application process for such an exemption must:*

(a) Allow the insured or attending practitioner, or a designated advocate for the insured or attending practitioner, to present to the society the clinical rationale for the exemption and any relevant medical information.

(b) Clearly prescribe the information and supporting documentation that must be submitted with the application, the criteria that will be used to evaluate the request and the conditions under which an expedited determination pursuant to subsection 4 is warranted.

(c) Require the review of each application by at least one physician, registered nurse or pharmacist.

2. *The information and supporting documentation required pursuant to paragraph (b) of subsection 1:*

(a) May include, without limitation:

(1) The medical history or other health records of the insured demonstrating that the insured has:

(I) Tried other drugs included in the pharmacological class of drugs for which the exemption is requested without success; or

(II) Taken the requested drug for a clinically appropriate amount of time to establish stability in relation to the cancer and the guidelines of the prescribing practitioner; and

(2) Any other relevant clinical information.

(b) Must not include any information or supporting documentation that is not necessary to make a determination about the application.

3. Except as otherwise provided in subsection 4, a society that receives an application for an exemption pursuant to subsection 1 shall:

(a) Make a determination concerning the application if the application is complete or request additional information or documentation necessary to complete the application not later than 72 hours after receiving the application; and

(b) If it requests additional information or documentation, make a determination concerning the application not later than 72 hours after receiving the requested information or documentation.

4. If, in the opinion of the attending practitioner, a step therapy protocol may seriously jeopardize the life or health of the insured, a society that receives an application for an exemption pursuant to subsection 1 must make a determination concerning the application as expeditiously as necessary to avoid serious jeopardy to the life or health of the insured.

5. A society shall disclose to the insured or attending practitioner who submits an application for an exemption from a step therapy protocol pursuant to subsection 1 the qualifications of each person who will review the application.

6. A society must grant an exemption from a step therapy protocol in response to an application submitted pursuant to subsection 1 if:

(a) Any treatment otherwise required under the step therapy or any drug in the same pharmacological class or having the same mechanism of action as the drug for which the exemption is requested has not been effective at treating the cancer or symptom of the insured when prescribed in accordance with clinical indications, clinical guidelines or other peer-reviewed evidence;

(b) Delay of effective treatment would have severe or irreversible consequences for the insured and the treatment otherwise required under the step therapy is not reasonably expected to be effective based on the physical or mental characteristics of the insured and the known characteristics of the treatment;

(c) Each treatment otherwise required under the step therapy:

(1) Is contraindicated for the insured or has caused or is likely, based on peer-reviewed clinical evidence, to cause an adverse reaction or other physical harm to the insured; or

(2) Has prevented or is likely to prevent the insured from performing the responsibilities of his or her occupation or engaging in activities of daily living, as defined in 42 C.F.R. § 441.505;

(d) *The condition of the insured is stable while being treated with the prescription drug for which the exemption is requested and the insured has previously received approval for coverage of that drug; or*

(e) *Any other condition for which such an exemption is required by regulation of the Commissioner is met.*

7. *If a society approves an application for an exemption from a step therapy protocol pursuant to this section, the society must cover the prescription drug to which the exemption applies in accordance with the terms of the applicable benefit contract. The society may initially limit the coverage to a 1-week supply of the drug for which the exemption is granted. If the attending practitioner determines after 1 week that the drug is effective at treating the cancer or symptom for which it was prescribed, the society must continue to cover the drug for as long as it is necessary to treat the insured for the cancer or symptom. The society may conduct a review not more frequently than once each quarter to determine, in accordance with available medical evidence, whether the drug remains necessary to treat the insured for the cancer or symptom. The society shall provide a report of the review to the insured.*

8. *A society shall post in an easily accessible location on an Internet website maintained by the society a form for requesting an exemption pursuant to this section.*

9. *A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2022, has the legal effect of including the coverage required by this section, and any provision of the benefit contract that conflicts with this section is void.*

10. *As used in this section, "attending practitioner" means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the cancer or any symptom of such cancer of an insured.*

Sec. 7. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A hospital or medical services corporation that offers or issues a policy of health insurance which provides coverage of a prescription drug for the treatment of cancer or any symptom of cancer that is part of a step therapy protocol shall allow an insured who has been diagnosed with stage 3 or 4 cancer or the attending practitioner of the insured to apply for an exemption from the step therapy protocol. The application process for such an exemption must:*

(a) *Allow the insured or attending practitioner, or a designated advocate for the insured or attending practitioner, to present to the a hospital or medial services corporation the clinical rationale for the exemption and any relevant medical information.*

(b) *Clearly prescribe the information and supporting documentation that must be submitted with the application, the criteria that will be used to evaluate the request and the conditions under which an expedited determination pursuant to subsection 4 is warranted.*

(c) Require the review of each application by at least one physician, registered nurse or pharmacist.

2. The information and supporting documentation required pursuant to paragraph (b) of subsection 1:

(a) May include, without limitation:

(1) The medical history or other health records of the insured demonstrating that the insured has:

(I) Tried other drugs included in the pharmacological class of drugs for which the exemption is requested without success; or

(II) Taken the requested drug for a clinically appropriate amount of time to establish stability in relation to the cancer and the guidelines of the prescribing practitioner; and

(2) Any other relevant clinical information.

(b) Must not include any information or supporting documentation that is not necessary to make a determination about the application.

3. Except as otherwise provided in subsection 4, a hospital or medical services corporation that receives an application for an exemption pursuant to subsection 1 shall:

(a) Make a determination concerning the application if the application is complete or request additional information or documentation necessary to complete the application not later than 72 hours after receiving the application; and

(b) If it requests additional information or documentation, make a determination concerning the application not later than 72 hours after receiving the requested information or documentation.

4. If, in the opinion of the attending practitioner, a step therapy protocol may seriously jeopardize the life or health of the insured, a hospital or medical services corporation that receives an application for an exemption pursuant to subsection 1 must make a determination concerning the application as expeditiously as necessary to avoid serious jeopardy to the life or health of the insured.

5. A hospital or medical services corporation shall disclose to the insured or attending practitioner who submits an application for an exemption from a step therapy protocol pursuant to subsection 1 the qualifications of each person who will review the application.

6. A hospital or medical services corporation must grant an exemption from a step therapy protocol in response to an application submitted pursuant to subsection 1 if:

(a) Any treatment otherwise required under the step therapy or any drug in the same pharmacological class or having the same mechanism of action as the drug for which the exemption is requested has not been effective at treating the cancer or symptom of the insured when prescribed in accordance with clinical indications, clinical guidelines or other peer-reviewed evidence;

(b) Delay of effective treatment would have severe or irreversible consequences for the insured and the treatment otherwise required under the

step therapy is not reasonably expected to be effective based on the physical or mental characteristics of the insured and the known characteristics of the treatment;

(c) Each treatment otherwise required under the step therapy:

(1) Is contraindicated for the insured or has caused or is likely, based on peer-reviewed clinical evidence, to cause an adverse reaction or other physical harm to the insured; or

(2) Has prevented or is likely to prevent the insured from performing the responsibilities of his or her occupation or engaging in activities of daily living, as defined in 42 C.F.R. § 441.505;

(d) The condition of the insured is stable while being treated with the prescription drug for which the exemption is requested and the insured has previously received approval for coverage of that drug; or

(e) Any other condition for which such an exemption is required by regulation of the Commissioner is met.

7. *If a hospital or medical services corporation approves an application for an exemption from a step therapy protocol pursuant to this section, the hospital or medical services corporation must cover the prescription drug to which the exemption applies in accordance with the terms of the applicable policy of health insurance. The hospital or medical services corporation may initially limit the coverage to a 1-week supply of the drug for which the exemption is granted. If the attending practitioner determines after 1 week that the drug is effective at treating the cancer or symptom for which it was prescribed, the hospital or medical services corporation must continue to cover the drug for as long as it is necessary to treat the insured for the cancer or symptom. The hospital or medical services corporation may conduct a review not more frequently than once each quarter to determine, in accordance with available medical evidence, whether the drug remains necessary to treat the insured for the cancer or symptom. The hospital or medical services corporation shall provide a report of the review to the insured.*

8. *A hospital or medical services corporation shall post in an easily accessible location on an Internet website maintained by the hospital or medical services corporation a form for requesting an exemption pursuant to this section.*

9. *A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2022, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with this section is void.*

10. *As used in this section, "attending practitioner" means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the cancer or any symptom of such cancer of an insured.*

Sec. 8. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A health maintenance organization that offers or issues a health care*

plan which provides coverage of a prescription drug for the treatment of cancer or any symptom of cancer that is part of a step therapy protocol shall allow an enrollee who has been diagnosed with stage 3 or 4 cancer or the attending practitioner of the enrollee to apply for an exemption from the step therapy protocol. The application process for such an exemption must:

(a) Allow the enrollee or attending practitioner, or a designated advocate for the enrollee or attending practitioner, to present to the health maintenance organization the clinical rationale for the exemption and any relevant medical information.

(b) Clearly prescribe the information and supporting documentation that must be submitted with the application, the criteria that will be used to evaluate the request and the conditions under which an expedited determination pursuant to subsection 4 is warranted.

(c) Require the review of each application by at least one physician, registered nurse or pharmacist.

2. The information and supporting documentation required pursuant to paragraph (b) of subsection 1:

(a) May include, without limitation:

(1) The medical history or other health records of the enrollee demonstrating that the enrollee has:

(I) Tried other drugs included in the pharmacological class of drugs for which the exemption is requested without success; or

(II) Taken the requested drug for a clinically appropriate amount of time to establish stability in relation to the cancer and the guidelines of the prescribing practitioner; and

(2) Any other relevant clinical information.

(b) Must not include any information or supporting documentation that is not necessary to make a determination about the application.

3. Except as otherwise provided in subsection 4, a health maintenance organization that receives an application for an exemption pursuant to subsection 1 shall:

(a) Make a determination concerning the application if the application is complete or request additional information or documentation necessary to complete the application not later than 72 hours after receiving the application; and

(b) If it requests additional information or documentation, make a determination concerning the application not later than 72 hours after receiving the requested information or documentation.

4. If, in the opinion of the attending practitioner, a step therapy protocol may seriously jeopardize the life or health of the enrollee, a health maintenance organization that receives an application for an exemption pursuant to subsection 1 must make a determination concerning the application as expeditiously as necessary to avoid serious jeopardy to the life or health of the enrollee.

5. A health maintenance organization shall disclose to the enrollee or attending practitioner who submits an application for an exemption from a step therapy protocol pursuant to subsection 1 the qualifications of each person who will review the application.

6. A health maintenance organization must grant an exemption from a step therapy protocol in response to an application submitted pursuant to subsection 1 if:

(a) Any treatment otherwise required under the step therapy or any drug in the same pharmacological class or having the same mechanism of action as the drug for which the exemption is requested has not been effective at treating the cancer or symptom of the enrollee when prescribed in accordance with clinical indications, clinical guidelines or other peer-reviewed evidence;

(b) Delay of effective treatment would have severe or irreversible consequences for the enrollee and the treatment otherwise required under the step therapy is not reasonably expected to be effective based on the physical or mental characteristics of the enrollee and the known characteristics of the treatment;

(c) Each treatment otherwise required under the step therapy:

(1) Is contraindicated for the enrollee or has caused or is likely, based on peer-reviewed clinical evidence, to cause an adverse reaction or other physical harm to the enrollee; or

(2) Has prevented or is likely to prevent the enrollee from performing the responsibilities of his or her occupation or engaging in activities of daily living, as defined in 42 C.F.R. § 441.505;

(d) The condition of the enrollee is stable while being treated with the prescription drug for which the exemption is requested and the enrollee has previously received approval for coverage of that drug; or

(e) Any other condition for which such an exemption is required by regulation of the Commissioner is met.

7. If a health maintenance organization approves an application for an exemption from a step therapy protocol pursuant to this section, the health maintenance organization must cover the prescription drug to which the exemption applies in accordance with the terms of the applicable health care plan. The health maintenance organization may initially limit the coverage to a 1-week supply of the drug for which the exemption is granted. If the attending practitioner determines after 1 week that the drug is effective at treating the cancer or symptom for which it was prescribed, the health maintenance organization must continue to cover the drug for as long as it is necessary to treat the enrollee for the cancer or symptom. The health maintenance organization may conduct a review not more frequently than once each quarter to determine, in accordance with available medical evidence, whether the drug remains necessary to treat the enrollee for the cancer or symptom. The health maintenance organization shall provide a report of the review to the enrollee.

8. A health maintenance organization shall post in an easily accessible location on an Internet website maintained by the health maintenance organization a form for requesting an exemption pursuant to this section.

9. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2022, has the legal effect of including the coverage required by this section, and any provision of the health care plan that conflicts with this section is void.

10. As used in this section, "attending practitioner" means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the cancer or any symptom of such cancer of an enrollee.

Sec. 9. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.176 to 695C.200, inclusive, and 695C.265 ~~and section 8 of this act~~ do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17345, 695C.1735, 695C.1745 and 695C.1757 and section 8 of this act apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 10. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, *and section 8 of this act* or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 11. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A managed care organization that offers or issues a health care plan which provides coverage of a prescription drug for the treatment of cancer or any symptom of cancer that is part of a step therapy protocol shall allow an insured who has been diagnosed with stage 3 or 4 cancer or the attending practitioner of the insured to apply for an exemption from the step therapy protocol. The application process for such an exemption must:*

(a) Allow the insured or attending practitioner, or a designated advocate for the insured or attending practitioner, to present to the managed care organization the clinical rationale for the exemption and any relevant medical information.

(b) Clearly prescribe the information and supporting documentation that must be submitted with the application, the criteria that will be used to evaluate the request and the conditions under which an expedited determination pursuant to subsection 4 is warranted.

(c) Require the review of each application by at least one physician, registered nurse or pharmacist.

2. *The information and supporting documentation required pursuant to paragraph (b) of subsection 1:*

(a) May include, without limitation:

(1) The medical history or other health records of the insured demonstrating that the insured has:

(I) Tried other drugs included in the pharmacological class of drugs for which the exemption is requested without success; or

(II) Taken the requested drug for a clinically appropriate amount of time to establish stability in relation to the cancer and the guidelines of the prescribing practitioner; and

(2) Any other relevant clinical information.

(b) Must not include any information or supporting documentation that is not necessary to make a determination about the application.

3. *Except as otherwise provided in subsection 4, a managed care organization that receives an application for an exemption pursuant to subsection 1 shall:*

(a) Make a determination concerning the application if the application is complete or request additional information or documentation necessary to

complete the application not later than 72 hours after receiving the application; and

(b) If it requests additional information or documentation, make a determination concerning the application not later than 72 hours after receiving the requested information or documentation.

4. If, in the opinion of the attending practitioner, a step therapy protocol may seriously jeopardize the life or health of the insured, a managed care organization that receives an application for an exemption pursuant to subsection 1 must make a determination concerning the application as expeditiously as necessary to avoid serious jeopardy to the life or health of the insured.

5. A managed care organization shall disclose to the insured or attending practitioner who submits an application for an exemption from a step therapy protocol pursuant to subsection 1 the qualifications of each person who will review the application.

6. A managed care organization must grant an exemption from a step therapy protocol in response to an application submitted pursuant to subsection 1 if:

(a) Any treatment otherwise required under the step therapy or any drug in the same pharmacological class or having the same mechanism of action as the drug for which the exemption is requested has not been effective at treating the cancer or symptom of the insured when prescribed in accordance with clinical indications, clinical guidelines or other peer-reviewed evidence;

(b) Delay of effective treatment would have severe or irreversible consequences for the insured and the treatment otherwise required under the step therapy is not reasonably expected to be effective based on the physical or mental characteristics of the insured and the known characteristics of the treatment;

(c) Each treatment otherwise required under the step therapy:

(1) Is contraindicated for the insured or has caused or is likely, based on peer-reviewed clinical evidence, to cause an adverse reaction or other physical harm to the insured; or

(2) Has prevented or is likely to prevent the insured from performing the responsibilities of his or her occupation or engaging in activities of daily living, as defined in 42 C.F.R. § 441.505;

(d) The condition of the insured is stable while being treated with the prescription drug for which the exemption is requested and the insured has previously received approval for coverage of that drug; or

(e) Any other condition for which such an exemption is required by regulation of the Commissioner is met.

7. If a managed care organization approves an application for an exemption from a step therapy protocol pursuant to this section, the managed care organization must cover the prescription drug to which the exemption applies in accordance with the terms of the applicable health care plan. The managed care organization may initially limit the coverage to a 1-week supply

of the drug for which the exemption is granted. If the attending practitioner determines after 1 week that the drug is effective at treating the cancer or symptom for which it was prescribed, the managed care organization must continue to cover the drug for as long as it is necessary to treat the insured for the cancer or symptom. The managed care organization may conduct a review not more frequently than once each quarter to determine, in accordance with available medical evidence, whether the drug remains necessary to treat the insured for the cancer or symptom. The managed care organization shall provide a report of the review to the insured.

8. A managed care organization shall post in an easily accessible location on an Internet website maintained by the managed care organization a form for requesting an exemption pursuant to this section.

9. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2022, has the legal effect of including the coverage required by this section, and any provision of the health care plan that conflicts with this section is void.

10. As used in this section, "attending practitioner" means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the cancer or any symptom of such cancer of an insured.

Sec. 11.5. ~~NRS 695C.090 is hereby amended to read as follows:~~

~~695C.090 1. Except as otherwise provided in subsection 3, the provisions of this chapter apply to each organization and insurer that operates as a managed care organization and may include, without limitation, an insurer that issues a policy of health insurance, an insurer that issues a policy of individual or group health insurance, a carrier serving small employers, a fraternal benefit society, a hospital or medical service corporation and a health maintenance organization.~~

~~2. In addition to the provisions of this chapter, each managed care organization shall comply with:~~

~~(a) The provisions of chapter 686A of NRS, including all obligations and remedies set forth therein; and~~

~~(b) Any other applicable provision of this title.~~

~~3. The provisions of NRS 695C.164, 695C.1645, 695C.167, 695C.200 to 695C.230, inclusive, and 695C.430 and section 11 of this act do not apply to a managed care organization that provides health care services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a managed care organization from any provision of this chapter for services provided pursuant to any other contract.] (Deleted by amendment.)~~

Sec. 12. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 687B.408, 689B.030 to 689B.050, inclusive, *and section 3 of this act*, 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of

the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 13. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 687B.409, 689B.255, 695G.150, 695G.155, 695G.160, 695G.162, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.170 to 695G.174, inclusive, *and section 11 of this act*, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 14. (Deleted by amendment.)

Sec. 14.5. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department or a pharmacy benefit manager or health maintenance organization with which the Department contracts pursuant to NRS 422.4053 to manage prescription drug benefits shall allow a recipient of Medicaid who has been diagnosed with stage 3 or 4 cancer or the attending practitioner of the recipient to apply for an exemption from step therapy that would otherwise be required pursuant to NRS 422.403 to instead use a prescription drug prescribed by the attending practitioner to treat the cancer or any symptom thereof of the recipient of Medicaid. The application process must:

(a) Allow the recipient or attending practitioner, or a designated advocate for the recipient or attending practitioner, to present to the Department, pharmacy benefit manager or health maintenance organization, as applicable, the clinical rationale for the exemption and any relevant medical information.

(b) Clearly prescribe the information and supporting documents that must be submitted with the application, the criteria that will be used to evaluate the request and the conditions under which an expedited determination pursuant to subsection 4 is warranted.

(c) Require the review of each application by at least one physician, registered nurse or pharmacist.

2. The information and supporting documentation required pursuant to paragraph (b) of subsection 1:

(a) May include, without limitation:

(1) The medical history or other health records of the recipient demonstrating that the recipient has:

(I) Tried other drugs included in the pharmacological class of drugs for which the exemption is requested without success; or

(II) Taken the requested drug for a clinically appropriate amount of time to establish stability in relation to the cancer and the guidelines of the prescribing practitioner; and

(2) Any other relevant clinical information.

(b) Must not include any information or supporting documentation that is not necessary to make a determination about the application.

3. Except as otherwise provided in subsection 4, the Department, pharmacy benefit manager or health maintenance organization, as applicable, that receives an application for an exemption pursuant to subsection 1 shall:

(a) Make a determination concerning the application if the application is complete or request additional information or documentation necessary to complete the application not later than 72 hours after receiving the application; and

(b) If it requests additional information or documentation, make a determination concerning the application not later than 72 hours after receiving the requested information or documentation.

4. If, in the opinion of the attending practitioner, step therapy may seriously jeopardize the life or health of the recipient, the Department, pharmacy benefit manager or health maintenance organization that receives an application for an exemption pursuant to subsection 1, as applicable, must make a determination concerning the application as expeditiously as necessary to avoid serious jeopardy to the life or health of the recipient.

5. The Department, pharmacy benefit manager or health maintenance organization, as applicable, shall disclose to a recipient or attending practitioner who submits an application for an exemption from step therapy pursuant to subsection 1 the qualifications of each person who will review the application.

6. The Department, pharmacy benefit manager or health maintenance organization, as applicable, must grant an exemption from step therapy in response to an application submitted pursuant to subsection 1 if:

(a) Any treatment otherwise required under the step therapy or any drug in the same pharmacological class or having the same mechanism of action as the drug for which the exemption is requested has not been effective at treating the cancer or symptom of the recipient when prescribed in accordance with clinical indications, clinical guidelines or other peer-reviewed evidence;

(b) Delay of effective treatment would have severe or irreversible consequences for the recipient and the treatment otherwise required under the step therapy is not reasonably expected to be effective based on the physical or mental characteristics of the recipient and the known characteristics of the treatment;

(c) Each treatment otherwise required under the step therapy:

(1) Is contraindicated for the recipient or has caused or is likely, based on peer-reviewed clinical evidence, to cause an adverse reaction or other physical harm to the recipient; or

(2) Has prevented or is likely to prevent the recipient from performing the responsibilities of his or her occupation or engaging in activities of daily living, as defined in 42 C.F.R. § 441.505; or

(d) The condition of the recipient is stable while being treated with the prescription drug for which the exemption is requested and the recipient has previously received approval for coverage of that drug.

7. If the Department, pharmacy benefit manager or health maintenance organization, as applicable, approves an application for an exemption from step therapy pursuant to this section, the State must pay the nonfederal share of the cost of the prescription drug to which the exemption applies. The Department, pharmacy benefit manager or health maintenance organization may initially limit the coverage to a 1-week supply of the drug for which the exemption is granted. If the attending practitioner determines after 1 week that the drug is effective at treating the cancer or symptom for which it was prescribed, the State must continue to pay the nonfederal share of the cost of the drug for as long as it is necessary to treat the recipient for the cancer or symptom. The Department, pharmacy benefit manager or health maintenance organization, as applicable, may conduct a review not more frequently than once each quarter to determine, in accordance with available medical evidence, whether the drug remains necessary to treat the recipient for the cancer or symptom. The Department, pharmacy benefit manager or health maintenance organization, as applicable, shall provide a report of the review to the recipient.

8. The Department and any pharmacy benefit manager or health maintenance organization with which the Department contracts pursuant to NRS 422.4053 to manage prescription drug benefits shall post in an easily accessible location on an Internet website maintained by the Department,

pharmacy benefit manager or health maintenance organization, as applicable, a form for requesting an exemption pursuant to this section.

9. As used in this section, "attending practitioner" means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the cancer or any symptom of such cancer of a recipient.

Sec. 15. (Deleted by amendment.)

Sec. 15.3. NRS 422.401 is hereby amended to read as follows:

422.401 As used in NRS 422.401 to 422.406, inclusive, and section 14.5 of this act, unless the context otherwise requires, the words and terms defined in NRS 422.4015 to 422.4024, inclusive, have the meanings ascribed to them in those sections.

Sec. 15.6. NRS 422.406 is hereby amended to read as follows:

422.406 1. The Department may, to carry out its duties set forth in NRS 422.27172 to 422.27178, inclusive, and 422.401 to 422.406, inclusive, and section 14.5 of this act and to administer the provisions of those sections:

(a) Adopt regulations; and

(b) Enter into contracts for any services.

2. Any regulations adopted by the Department pursuant to NRS 422.27172 to 422.27178, inclusive, and 422.401 to 422.406, inclusive, and section 14.5 of this act must be adopted in accordance with the provisions of chapter 241 of NRS.

Sec. 16. (Deleted by amendment.)

Sec. 16.3. 1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services to pay the increased costs for prescription drugs associated with complying with the provisions of this act the following sums:

For the Fiscal Year 2021-2022..... \$765,814

For the Fiscal Year 2022-2023..... \$753,976

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2022, and September 15, 2023, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2022, and September 15, 2023, respectively.

Sec. 16.8. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee for allocation to the Public Employees' Benefits Program the sum of \$713,000 to pay the increased costs for prescription drugs associated with complying with the provisions of this act. Money appropriated pursuant to this section is available for Fiscal Year 2022-2023 and may be allocated by the Interim Finance Committee to

the Public Employees' Benefits Program upon the presentation to the Interim Finance Committee of an itemization of costs.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 17. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 18. 1. This ~~act becomes~~ section and section 16.3 of this act become effective on July 1, 2021.

2. Sections 1 to 16, inclusive, and 17 of this act become effective on January 1, 2022.

3. Section 16.8 of this act becomes effective on July 1, 2022.

Senator Lange moved that the Senate concur in Assembly Amendments Nos. 568, 854 to Senate Bill No. 290.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 461.

The following Assembly amendment was read:

Amendment No. 865.

SUMMARY—Revises provisions relating to state financial administration. (BDR S-1177)

AN ACT relating to state financial administration; requiring a transfer to the State General Fund and authorizing disbursements of certain federal money in certain circumstances; and providing other matters properly relating thereto.

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

Section 1. 1. As soon as practicable after receipt of the money from the Coronavirus State and Local Fiscal Recovery Funds by the State of Nevada under the American Rescue Plan Act of 2021, Pub. L. No. 117-2, the Chief of the Budget Division of the Office of Finance in the Office of the Governor created by NRS 223.400, in consultation with the Senate and Assembly Fiscal Analysts of the Fiscal Analysis Division of the Legislative Counsel Bureau, shall:

(a) Determine the reduction in the general revenue of the State of Nevada as a result of the COVID-19 pandemic pursuant to the formula set forth in the Interim Final Rule of the Department of the Treasury, 31 C.F.R. Part 35, RIN 1505-AC77; and

(b) Transfer to the State General Fund an amount of the money from the Coronavirus State and Local Fiscal Recovery Funds received by the State of

Nevada that is equal to the amount of money that is determined to be a reduction in the general revenue of the State of Nevada pursuant to paragraph (a).

2. After the transfer to the State General Fund is made pursuant to subsection 1, the Chief of the Budget Division shall disburse the money received from the Coronavirus State and Local Fiscal Recovery Funds by the State of Nevada in accordance with the provisions of chapter 353 of NRS in the following order of priority, after any other disbursements of such federal money required by the 81st Session of the Nevada Legislature and as that money is available:

(a) Disbursement of \$335,000,000 to repay advances received by the Unemployment Compensation Fund under Title XII of the Social Security Act, 42 U.S.C. §§ 1321 et seq.

(b) Disbursement of \$20,900,000 for the public health emergency of the COVID-19 pandemic, including, without limitation, mental health treatment, substance use disorder treatment and other behavioral health services, construction costs and other capital improvements in public facilities to meet COVID-19-related operational needs and expenses relating to establishing and enhancing public health data systems.

(c) Disbursement of \$7,600,000 to address increased levels of food insecurity resulting from the negative economic impact of the COVID-19 pandemic on low-income families.

(d) Disbursement of \$6,000,000 to the Collaboration Center Foundation to augment services and programs implemented to address the negative or disparate impacts of the COVID-19 pandemic on persons with disabilities.

(e) Disbursement of \$5,000,000 to the State Treasurer to be administered as grants to persons with disabilities who are under 18 years of age through the Nevada ABLE Savings Program established pursuant to NRS 427A.889 to assist persons with disabilities who have been negatively or disparately impacted by the COVID-19 pandemic with expenses related to education, housing, transportation, employment training and support, assistive technology, personal support services, health care costs, financial management and other qualified disability expenses.

(f) Disbursement of \$4,000,000 to the University of Nevada, Reno, to establish a statewide program modeled after the Dean's Future Scholars Program at the University of Nevada, Reno, to assist pupils who are in grade 6 or higher, are prospective first-generation college students and have been negatively or disparately impacted by the COVID-19 pandemic. The disbursement made pursuant to this paragraph must be used to provide support and services related to mentorship, tutoring and access to food, technology and activities and programs designed to address, support or reduce learning loss caused or exacerbated by the COVID-19 pandemic.

(g) Disbursements for any other purpose authorized for the use of the money received from the Coronavirus State and Local Fiscal Recovery Funds, within the following categories:

- (1) Increasing access to health care and community-based services;
- (2) Strengthening public education;
- (3) Supporting disadvantaged communities;
- (4) Strengthening Nevada's workforce, supporting small businesses and revitalizing the State's economy;
- (5) Investing in infrastructure; and
- (6) Modernizing and enhancing state government services.

Sec. 2. This act becomes effective upon passage and approval.

Senator Brooks moved that the Senate concur in Assembly Amendment No. 865 to Senate Bill No. 461.

Motion carried by a constitutional majority.

Bill ordered enrolled.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 31, 2021

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 108, Amendment No. 848, and respectfully requests your honorable body to concur in said amendment.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 108.

The following Assembly amendment was read:

Amendment No. 848.

SUMMARY—Establishes provisions relating to ~~juvenile justice;~~ juveniles. (BDR 5-549)

AN ACT relating to ~~juvenile justice;~~ juveniles; requiring any person who during the scope of his or her employment has regular and routine contact with juveniles who are involved in the juvenile justice system in this State to complete periodic training relating to implicit bias and cultural competency; requiring the Division of Child and Family Services of the Department of Health and Human Services to adopt regulations concerning such training; authorizing the Nevada Supreme Court to adopt additional court rules concerning such training for any magistrate, judge, master or employee in the juvenile court system who regularly and routinely comes into contact with such juveniles; authorizing in certain circumstances certain institutions, agencies and facilities that serve children to waive the requirement to terminate the employment of certain employees after a background investigation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes various provisions relating to juvenile justice in this State. (Title 5 of NRS) Section 1 of this bill requires any person who during the scope of his or her employment has regular and routine contact with juveniles who are involved in the juvenile justice system in this State to complete, in addition to any other required training and generally at least once

every 2 years, training relating to implicit bias and cultural competency. Section 1 also requires that such training include certain specific instruction relating to implicit bias and cultural competency. Additionally, section 1: (1) requires the Division of Child and Family Services of the Department of Health and Human Services to adopt regulations concerning such training; and (2) authorizes the Division of Child and Family Services to consult with any person whose assistance the Division of Child and Family Services determines will be helpful when adopting such regulations. Section 1 also authorizes the Nevada Supreme Court to adopt additional court rules concerning such training for any magistrate, judge, master or employee in the juvenile court system who regularly and routinely comes into contact with such juveniles.

Existing law requires public or private institutions and agencies to which a juvenile court commits a child to conduct background investigations of the employees of such institutions and agencies. (NRS 62B.270) Existing law also requires agencies which provide child welfare services to conduct background investigations of applicants for employment with, and the employees of, such agencies. (NRS 432B.198) Existing law additionally requires certain facilities which provide residential mental health treatment to children to conduct background investigations of the employees of such facilities. (NRS 433B.183) Such background investigations are conducted for the purpose of determining whether an applicant or employee has been convicted of certain specified crimes and, with respect to agencies which provide child welfare services, whether an applicant or employee has charges pending against him or her for any such crime. (NRS 62B.270, 432B.198, 433B.183) If the results of a background investigation correctly provide that an applicant or employee has been convicted of any such crime, the application for employment or the employment of the person must be denied or terminated, respectively. (NRS 62B.275, 432B.199, 433B.185) Additionally, if the results of a background investigation conducted by an agency which provides child welfare services correctly provide that an applicant or employee has charges pending against him or her for any such crime, the application for employment or the employment of the person may be denied or terminated, respectively. (NRS 432B.199)

Section 4 of Senate Bill No. 21 of this session authorizes agencies which provide child welfare services to waive the prohibition on hiring an applicant who has been convicted of a specified crime if the agency adopts and applies an objective weighing test pursuant to which certain factors are considered relating to the applicant and the crime committed. Section 4 of Senate Bill No. 21 of this session requires such an agency to track certain data regarding each applicant to whom the objective weighing test is applied and review the data at least once every 2 years to determine the efficacy of the test and whether the data indicates the presence of implicit bias. Section 4 of Senate Bill No. 21 of this session also provides that: (1) the prohibition on hiring an applicant who has been convicted of a specified crime may not be waived through the use of the objective weighing test if the specified crime was sexually-related

and the victim was a child who was less than 18 years of age when the crime was committed; and (2) the hiring determination made by the agency after applying the objective weighing test to an applicant is final.

Sections 2.3, 2.5 and 2.7 of this bill authorize public or private institutions and agencies to which a juvenile court commits a child, agencies which provide child welfare services and certain facilities which provide residential mental health treatment to children, respectively, to waive the requirement to terminate the employment of an employee who has been convicted of a specified crime in accordance with the provisions set forth in section 4 of Senate Bill No. 21 of this session that allow agencies which provide child welfare services to waive the prohibition on hiring an applicant who has been convicted of a specified crime. However, sections 2.3, 2.5 and 2.7 additionally provide that such a requirement can be waived only for the first background investigation concerning an employee that such an institution, agency or facility conducts.

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

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

1. *Any person who, during the scope of his or her employment has regular and routine contact with juveniles who are involved in the juvenile justice system in this State, including, without limitation, any prosecuting attorney, public defender, peace officer, probation officer, juvenile correctional officer, employee of a state or local facility for the detention of children, employee of a regional facility for the treatment and rehabilitation of children or employee of a prosecuting attorney's office or public defender's office, shall complete, in addition to any other required training, training relating to implicit bias and cultural competency provided by his or her employer pursuant to the regulations adopted pursuant to subsection 3. Unless the regulations adopted by the Division of Child and Family Services pursuant to subsection 3 provide otherwise, such training relating to implicit bias and cultural competency must be completed at least once every 2 years.*

2. *The training required by subsection 1 must include, without limitation, instruction that:*

(a) Explains what implicit bias is, where implicit bias comes from, the importance of understanding implicit bias and the negative impacts of implicit bias, and offers examples of actions that can be taken to reduce implicit bias;

(b) Provides information regarding cultural competency, including, without limitation, sensitivity to the needs of children, lesbian, gay, bisexual and transgender persons, racial and ethnic minorities, religious minorities and women; and

(c) Provides information regarding:

(1) Socioeconomic conditions in various areas in this State;

(2) Historical inequities in the juvenile justice and criminal justice systems; and

(3) *The impact of trauma and adverse child experiences on the decision making and behaviors of children.*

3. *The Division of Child and Family Services shall adopt regulations to carry out the provisions of this section. When adopting such regulations, the Division of Child and Family Services may consult with any person whose assistance the Division of Child and Family Services determines will be helpful.*

4. *The Nevada Supreme Court may provide by court rule for continuing appropriate training concerning implicit bias and cultural competency, incorporating the elements identified in subsection 2, for any magistrate, judge, master or employee in the juvenile court system who regularly and routinely comes into contact with juveniles who are involved in the juvenile justice system.*

5. *As used in this section, "cultural competency" means an understanding of how people and institutions can respond respectfully and effectively to people of all cultures, economic statuses, language backgrounds, races, ethnic backgrounds, disabilities, religions, genders, gender identities or expressions, sexual orientations, veteran statuses and other characteristics in a manner that recognizes, affirms and values the worth and preserves the dignity of people, families and communities.*

Sec. 2. (Deleted by amendment.)

Sec. 2.3. Section 2 of Senate Bill No. 21 of this session is hereby amended to read as follows:

Sec. 2. NRS 62B.275 is hereby amended to read as follows:

62B.275 1. Upon receiving information from the Central Repository for Nevada Records of Criminal History pursuant to NRS 62B.270 or evidence from any other source that an employee of a public institution or agency to which a juvenile court commits a child or the licensing authority of a private institution to which a juvenile court commits a child, including, without limitation, a facility for the detention of children:

(a) Has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 of NRS 62B.270:

(1) The public institution or agency may terminate the employment of the employee after allowing the employee time to correct the information as required pursuant to subsection 2; or

(2) The licensing authority of the private institution shall inform the private institution of the receipt of the information or evidence, and the institution may terminate the employment of the employee after allowing the employee time to correct the information as required pursuant to subsection 2; or

(b) ~~Has~~ Except as otherwise provided in subsection 4, has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 62B.270:

(1) The public institution or agency shall terminate the employment of the employee after allowing the employee time to correct the information as required pursuant to subsection 2; or

(2) The licensing authority of the private institution shall inform the private institution of the receipt of the information or evidence, and the institution shall terminate the employment of the employee after allowing the employee time to correct the information as required pursuant to subsection 2.

2. If an employee believes that the information provided to the public institution or agency or the licensing authority by the Central Repository pursuant to NRS 62B.270 is incorrect, the employee must inform his or her employing institution or agency immediately. An institution or agency that is so informed shall give the employee a reasonable amount of time of not less than 30 days to correct the information.

3. During the period in which an employee seeks to correct information pursuant to subsection 2, it is within the discretion of the employing institution or agency whether to allow the employee to continue to work for the institution or agency, as applicable, except that the employee shall not have contact with a child in the institution or agency without supervision during such period.

4. Except as otherwise provided in subsection 5, a public or private institution or agency to which a juvenile court commits a child may waive the requirement to terminate the employment of an employee who has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 62B.270 if the institution or agency adopts and applies an objective weighing test in accordance with this subsection. The objective weighing test must include factors the institution or agency will consider when making a determination as to whether to waive such a requirement, including, without limitation:

(a) The age, maturity and capacity of the employee at the time of his or her conviction;

(b) The length of time since the employee committed the crime;

(c) Any participation by the employee in rehabilitative services; and

(d) The relevance of the crime to the position in which the employee is employed.

5. The requirement to terminate the employment of an employee who has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 62B.270 may not be waived through the use of the objective weighing test if:

(a) The crime was sexually-related and the victim was a child who was less than 18 years of age when the crime was committed; or

(b) The information concerning the conviction was obtained pursuant to a second or subsequent background investigation concerning the employee that is conducted by the public or private institution or agency.

6. A public or private institution or agency to which a juvenile court commits a child shall, with regard to each employee to whom the institution or agency applies the objective weighing test pursuant to subsection 4:

(a) Track the age, race and ethnicity of the employee, the position in which the employee is employed and the determination made by the institution or agency; and

(b) Review such data not less than once every 2 years to determine the efficacy of the objective weighing test and whether the data indicates the presence of any implicit bias.

7. The determination made by a public or private institution or agency to which a juvenile court commits a child with regard to an employee to whom the institution or agency applies the objective weighing test is final.

8. For the purposes of this section, the period during which criminal charges are pending against an employee for a crime listed in paragraph (a) of subsection 1 of NRS 62B.270 begins and ends as set forth in subsection 8 of that section.

Sec. 2.5. Section 4 of Senate Bill No. 21 of this session is hereby amended to read as follows:

Sec. 4. NRS 432B.199 is hereby amended to read as follows:

432B.199 1. If the report from the Federal Bureau of Investigation forwarded to an agency which provides child welfare services pursuant to subsection 5 of NRS 432B.198, the information received by an agency which provides child welfare services pursuant to subsection 2 of NRS 432B.198 or evidence from any other source indicates that an applicant for employment with the agency, or an employee of the agency:

(a) Has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 of NRS 432B.198, the agency may deny employment to the applicant or terminate the employment of the employee after allowing the applicant or employee time to correct the information as required pursuant to subsection 2 or 3, whichever is applicable; or

(b) Except as otherwise provided in subsection 6, has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 432B.198, has had a substantiated report of child abuse or neglect made against him or her or has not been satisfactorily cleared by a central registry described in paragraph (b) of subsection 2 of NRS 432B.198, the agency shall deny employment to the applicant or terminate the employment of the employee after allowing the applicant or employee time to correct the information as required pursuant to subsection 2 or 3, whichever is applicable.

2. If an applicant for employment or an employee believes that the information in the report from the Federal Bureau of Investigation forwarded to the agency which provides child welfare services pursuant to subsection 5 of NRS 432B.198 is incorrect, the applicant or employee

must inform the agency immediately. An agency that provides child welfare services that is so informed shall give the applicant or employee a reasonable amount of time of not less than 30 days to correct the information.

3. If an applicant for employment or an employee believes that the information received by an agency which provides child welfare services pursuant to subsection 2 of NRS 432B.198 is incorrect, the applicant or employee must inform the agency immediately. An agency which provides child welfare services that is so informed shall give the applicant or employee a reasonable amount of time of not less than 60 days to correct the information.

4. During the period in which an applicant or employee seeks to correct information pursuant to subsection 2 or 3, the applicant or employee:

(a) Shall not have contact with a child or a relative or guardian of the child in the course of performing any duties as an employee of the agency which provides child welfare services.

(b) May be placed on leave without pay.

5. The provisions of subsection 4 must not be construed as preventing an agency which provides child welfare services from initiating internal disciplinary procedures against an employee during the period in which an employee seeks to correct information pursuant to subsection 2 or 3.

6. Except as otherwise provided in subsection 7, an agency which provides child welfare services may waive the prohibition on hiring an applicant or the requirement to terminate the employment of an employee who has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 432B.198 if the agency adopts and applies an objective weighing test in accordance with this subsection. The objective weighing test must include factors the agency will consider when making a determination as to whether to waive such a prohibition ~~or requirement~~, including, without limitation:

(a) The age, maturity and capacity of the applicant or employee at the time of his or her conviction;

(b) The length of time since the applicant or employee committed the crime;

(c) Any participation by the applicant or employee in rehabilitative services; and

(d) The relevance of the crime to the position for which the applicant has applied ~~or in which the employee is employed~~.

7. The ~~prohibition~~:

(a) Prohibition on hiring an applicant who has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 432B.198 may not be waived through the use of the objective weighing test if the crime

was sexually-related and the victim was a child who was less than 18 years of age when the crime was committed.

(b) Requirement to terminate the employment of an employee who has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 432B.198 may not be waived through the use of the objective weighing test if:

(1) The crime was sexually-related and the victim was a child who was less than 18 years of age when the crime was committed; or

(2) The information concerning the conviction was obtained pursuant to a second or subsequent background investigation concerning the employee that is conducted by the agency.

8. An agency which provides child welfare services shall, with regard to each applicant or employee to whom the agency applies the objective weighing test pursuant to subsection 6:

(a) Track the age, race and ethnicity of the applicant ~~or~~ or employee, the position for which the applicant applied or in which the employee is employed and the ~~hiring~~ determination made by the agency; and

(b) Review such data not less than once every 2 years to determine the efficacy of the objective weighing test and whether the data indicates the presence of any implicit bias.

9. The ~~hiring~~ determination made by an agency which provides child welfare services with regard to an applicant or employee to whom the agency applies the objective weighing test is final.

10. For the purposes of this section, the period during which criminal charges are pending against an applicant or employee for a crime listed in paragraph (a) of subsection 1 of NRS 432B.198 begins and ends as set forth in subsection 7 of that section.

Sec. 2.7. Section 6 of Senate Bill No. 21 of this session is hereby amended to read as follows:

Sec. 6. NRS 433B.185 is hereby amended to read as follows:

433B.185 1. Upon receiving information from the Central Repository for Nevada Records of Criminal History pursuant to NRS 433B.183 or evidence from any other source that an employee of a division facility that provides residential treatment for children:

(a) Has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 of NRS 433B.183, the administrative officer may terminate the employment of the employee after allowing the employee time to correct the information as required pursuant to subsection 2; or

(b) ~~Has~~ Except as otherwise provided in subsection 4, has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 433B.183, the administrative officer shall terminate the employment of the employee after allowing the employee time to correct the information as required pursuant to subsection 2.

2. If an employee believes that the information provided to the division facility pursuant to subsection 1 is incorrect, the employee must inform the division facility immediately. A division facility that is so informed shall give the employee 30 days to correct the information.

3. During the period in which an employee seeks to correct information pursuant to subsection 2, it is within the discretion of the administrative officer whether to allow the employee to continue to work for the division facility, except that the employee shall not have contact with a child in the division facility without supervision during such period.

4. Except as otherwise provided in subsection 5, a division facility that provides residential treatment for children may waive the requirement to terminate the employment of an employee who has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 433B.183 if the division facility adopts and applies an objective weighing test in accordance with this subsection. The objective weighing test must include factors the division facility will consider when making a determination as to whether to waive such a requirement, including, without limitation:

(a) The age, maturity and capacity of the employee at the time of his or her conviction;
(b) The length of time since the employee committed the crime;
(c) Any participation by the employee in rehabilitative services; and
(d) The relevance of the crime to the position in which the employee is employed.

5. The requirement to terminate the employment of an employee who has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 433B.183 may not be waived through the use of the objective weighing test if:

(a) The crime was sexually-related and the victim was a child who was less than 18 years of age when the crime was committed; or
(b) The information concerning the conviction was obtained pursuant to a second or subsequent background investigation concerning the employee that is conducted by the division facility.

6. A division facility that provides residential treatment for children shall, with regard to each employee to whom the division facility applies the objective weighing test pursuant to subsection 4:

(a) Track the age, race and ethnicity of the employee, the position in which the employee is employed and the determination made by the division facility; and

(b) Review such data not less than once every 2 years to determine the efficacy of the objective weighing test and whether the data indicates the presence of any implicit bias.

7. The determination made by a division facility that provides residential treatment for children with regard to an employee to whom the division facility applies the objective weighing test is final.

8. For the purposes of this section, the period during which criminal charges are pending against an employee for a crime listed in paragraph (a) of subsection 1 of NRS 433B.183 begins and ends as set forth in subsection 8 of that section.

Sec. 3. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 4. 1. This section becomes effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective:

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

(b) Nine months after the date on which the regulations adopted by the Division of Child and Family Services of the Department of Health and Human Services pursuant to section 1 of this act become effective for all other purposes.

3. Sections 2.3, 2.5 and 2.7 of this act become effective on January 1, 2022.

Senator Scheible moved that the Senate concur in Assembly Amendment No. 848 to Senate Bill No. 108.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 347.

The following Assembly amendment was read:

Amendment No. 868.

SENATOR SCHEIBLE JOINT ~~[SPONSOR: ASSEMBLYWOMAN]~~ SPONSORS:
ASSEMBLYMEN FLORES AND TORRES

SUMMARY—Revises provisions governing sexual misconduct in institutions of the Nevada System of Higher Education. (BDR 34-237)

AN ACT relating to higher education; creating the Task Force on Sexual Misconduct at Institutions of Higher Education; prescribing the membership, duties and compensation of the Task Force; authorizing the Board of Regents of the University of Nevada to appoint researchers to develop a climate survey on sexual misconduct; authorizing the Board of Regents to require the institutions within the Nevada System of Higher Education to administer the climate survey to students; authorizing the imposition of additional requirements for the grievance process at an institution within the System; authorizing the Board of Regents to require each institution within the System to adopt a policy on sexual misconduct, enter into a memorandum of understanding with certain organizations and designate an advocate; prohibiting an institution within the System from imposing certain sanctions on certain students; authorizing the Board of Regents to require an institution

within the System to take certain actions regarding a report of an alleged incident of sexual misconduct; providing for certain training and programming related to sexual misconduct; authorizing a student who has experienced sexual misconduct to request a waiver from certain requirements of scholarships or academic activities; authorizing the Board of Regents to require an annual report from institutions within the System on certain information relating to sexual misconduct; authorizing the Board of Regents to adopt regulations; making certain information relating to incidents of sexual misconduct confidential; revising provisions relating to tuition charges; revising requirements relating to certain scholarships and grants; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law prohibits discrimination based on sex in programs or activities of education that receive federal funding. (Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.; 34 C.F.R. Part 106) Under existing federal regulations, an institution of higher education that receives federal funding must follow a grievance process that complies with Title IX to address formal complaints that allege an incident of sexual harassment that occurs in relation to an education program or activity of the institution, including, without limitation, incidents that occur on or off a campus of the institution. (34 C.F.R. §§ 106.44, 106.45) This bill generally expands the protections provided by Title IX.

Sections 2.3-11 of this bill define relevant terms. Section 12 of this bill creates the Task Force on Sexual Misconduct at Institutions of Higher Education and prescribes the membership of the Task Force. Section 12.5 of this bill prescribes the duties of the Task Force. Section 13 of this bill authorizes the Board of Regents of the University of Nevada, to the extent money is available, to appoint researchers to develop a climate survey on sexual misconduct and prescribes the requirements of the climate survey. Section 14 of this bill authorizes the Board of Regents, to the extent money is available, to require an institution within the Nevada System of Higher Education to conduct a climate survey on sexual misconduct, and section 15 of this bill sets forth the duties of the Board of Regents regarding the climate survey.

Section 16 of this bill authorizes the Board of Regents to require an institution to meet certain requirements related to the grievance process of the institution.

Section 17 of this bill authorizes the Board of Regents to require an institution within the System to adopt a policy on sexual misconduct and sets forth certain requirements related to the adoption of the policy. Section 18 of this bill prescribes the information that must be included in a policy on sexual misconduct, if such a policy is required to be adopted by an institution.

Section 19 of this bill authorizes the Board of Regents to require an institution to enter into a memorandum of understanding with an organization

that assists persons involved in sexual misconduct, and sets forth the provisions that may be included in such a memorandum of understanding.

Section 20 of this bill authorizes the Board of Regents to require an institution within the System to designate an advocate and provide training to the advocate. Section 21 of this bill sets forth the duties of the advocate if an advocate is designated by an institution. Under existing law, certain communications between a victim and a victim's advocate are deemed to be confidential. (NRS 49.2546) Existing law defines a victim's advocate as a person who works for certain programs within the System that provide assistance to victims of certain acts. (NRS 49.2545) Section 28 of this bill includes the provision of services pursuant to sections 2-27 of this bill to victims of sexual misconduct in the definition of a victim's advocate.

Section 22 of this bill authorizes the Board of Regents to prohibit an institution within the System from sanctioning a complainant, reporting party or witness for violating a policy of student conduct that occurred during or related to an alleged incident of sexual misconduct.

Section 23 of this bill authorizes the Board of Regents to require an institution within the System to provide training on the grievance process of the institution to certain employees. Section 24 of this bill authorizes the Board of Regents to require an institution within the System to provide programming on the awareness and prevention of sexual misconduct to students and employees of the institution.

Section 24.3 of this bill authorizes the Board of Regents to require an institution within the System to determine the responsibility of a respondent for an alleged incident of sexual misconduct based on a preponderance of the evidence. Section 24.7 of this bill sets forth the requirements for conducting an investigation. Section 24.5 of this bill authorizes the Board of Regents to require an institution within the System to accept a request from a complainant who is at least 18 years of age to keep the identity of the complainant confidential unless state or federal law requires disclosure or further action. Section 24.9 of this bill authorizes an institution to issue a no-contact directive in certain circumstances.

Section 24.95 of this bill authorizes a student who has experienced sexual misconduct to request a waiver from certain requirements of various scholarships or academic activities. Sections 27.1-27.9 of this bill make conforming changes relating to such a waiver.

Section 25 of this bill authorizes the Board of Regents to require an institution within the System to submit an annual report to the Board of Regents on certain information relating to sexual misconduct. Section 25 also requires the Board of Regents to compile the reports and submit the compilation to the Director of the Department of Health and Human Services and to the Legislature or Legislative Committee on Education.

Section 27 of this bill authorizes the Board of Regents to adopt regulations.

Section 28.5 of this bill makes certain information generated pursuant to a climate survey on sexual misconduct and the annual report on sexual

misconduct prepared by an institution within the System confidential. (NRS 293.010)

Under existing law, the Board of Regents may not fix tuition charges against certain students. (NRS 396.540) Section 27.05 of this bill prohibits the Board of Regents from fixing tuition charges against: (1) students whose parent, legal guardian or spouse was stationed at a military installation associated with Nevada on the date the student is admitted to a university, state college or community college; and (2) students who graduated from a high school in this State, regardless of whether the student or the student's family is a bona fide resident.

Existing law sets forth various requirements to obtain a scholarship or grant under the Governor Guinn Millennium Scholarship Program, the Silver State Opportunity Grant Program or the Nevada Promise Scholarship Program. (NRS 396.930, 396.952, 396.956, 396.9665) Section 27.5 of this bill removes a requirement to certify that the applicant is a citizen of or legal immigrant to the United States to receive a Millennium Scholarship. Sections 27.93 and 27.95 of this bill remove requirements to complete the Free Application for Federal Student Aid to receive a Silver State Opportunity Grant in certain circumstances. Sections 27.93 and 27.97 of this bill provide that a student may be eligible for a Silver State Opportunity Grant or a Nevada Promise Scholarship if the student graduated from a high school located in this State, regardless of whether the student is a bona fide resident.

Existing law requires the Board of Regents to distribute scholarships under the Nevada Promise Scholarship Program first to students who complete the Free Application for Federal Student Aid and then, if there is money remaining for additional distributions, to students who are prohibited by federal law from completing the Free Application for Federal Student Aid. (NRS 396.968) Section 37.99 of this bill removes this requirement.

Under existing federal law, a state may provide a qualified tuition program to help families pay for college education. (26 U.S.C. § 529) Existing state law establishes the Nevada Higher Education Prepaid Tuition Program and the Nevada College Savings Program. (NRS 353B.010-353B.190, 353B.300-353B.370) Section 28.7 of this bill prohibits a prepaid tuition program or college savings program from excluding a person or his or her family from participating in such a program based solely on the citizenship or immigration status of the person or his or her family.

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

Section 1. Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 27, inclusive, of this act.

Sec. 2. *As used in sections 2 to 27, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2.3 to 11, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 2.3. "Complainant" means a student or employee of an institution within the System who is alleged to be the victim of conduct that could constitute sexual misconduct.

Sec. 2.5. "Dating violence" has the meaning ascribed to it in 34 U.S.C. § 12291(a).

Sec. 3. "Domestic violence" has the meaning ascribed to it in 34 U.S.C. § 12291(a).

Sec. 4. "Reporting party" means a person who reports an alleged incident of sexual misconduct to the institution.

Sec. 5. "Respondent" means a person who has been reported to be the perpetrator of conduct that could constitute sexual misconduct.

Sec. 6. "Sexual assault" has the meaning ascribed to it in 20 U.S.C. § 1092(f)(6)(A)(v).

Sec. 7. "Sexual harassment" means conduct on the basis of sex, whether direct or indirect, implicit or explicit, verbal or nonverbal or in person or via virtual or electronic means, that satisfies one or more of the following:

1. An employee of an institution within the System conditioning the provision of an aid, benefit or service of the institution or the terms, conditions or privileges of the participation of a person in the education programs or activities of the institution on the person's participation in unwelcome sexual conduct, including, without limitation:

- (a) A sexual advance;
- (b) A request for sexual favors; or
- (c) Other conduct of a sexual nature.

2. Unwelcome sexual advances, requests for sexual favors and conduct of a sexual nature or evincing gender bias:

(a) That, in the educational environment, is made a term or condition of a student's academic status or, based on an objective standard, is sufficiently severe, persistent or pervasive that it interferes with, limits or effectively denies a student the ability to participate in or benefit from the services, activities or opportunities offered by an institution within the System.

(b) Where, in the workplace, submission to or rejection of the sexual advances, requests for sexual favors or conduct is used as a basis for decisions or evaluations related to academics or employment or permission to participate in a service, activity or opportunity offered by an institution within the System or that, based on an objective standard, is sufficiently severe, persistent or pervasive that it creates an intimidating, hostile or abusive work environment which may or may not interfere with an employee's job performance.

3. Sexual assault, dating violence, domestic violence or stalking.

Sec. 8. "Sexual misconduct" means dating violence, domestic violence, gender-based violence, gender-based harassment, violence based on sexual orientation or gender identity or expression, sexual assault, sexual harassment, stalking or indecent exposure.

Sec. 9. "Stalking" has the meaning ascribed to it in 34 C.F.R. § 106.30.

Sec. 9.5. "Student" includes, without limitation, a former student of an institution within the System who took a leave of absence or withdrew from the institution due to being a complainant or respondent.

Sec. 10. "Supportive measures" has the meaning ascribed to it in 34 C.F.R. § 106.30.

Sec. 11. "Trauma-informed response" means a response involving an understanding of the complexities of sexual misconduct, including, without limitation:

1. Perpetrator methodology;
2. Conducting an effective investigation;
3. The neurobiological causes and impacts of trauma; and
4. The influence of social myths and stereotypes surrounding the causes and impacts of trauma.

Sec. 12. 1. There is hereby created the Task Force on Sexual Misconduct at Institutions of Higher Education consisting of 12 members as follows:

- (a) The Chancellor of the System, or his or her designee;
- (b) The Chief General Counsel of the System, or his or her designee; and
- (c) Ten members appointed by the Board of Regents as follows:
 - (1) One representative of a state college;
 - (2) One representative of a community college;
 - (3) One representative of a university;
 - (4) One Title IX coordinator from an institution within the System;
 - (5) One student, appointed in consultation with a student government association, who represents a group or organization that focuses on multiculturalism, diversity or advocacy at a state college or community college;
 - (6) One student, appointed in consultation with a student government association, who represents a group or organization that focuses on multiculturalism, diversity or advocacy at a university;
 - (7) One researcher with experience in the development of climate surveys on sexual misconduct;
 - (8) One researcher of statistics, data analytics or econometrics with experience in survey analysis in higher education;
 - (9) One medical professional from the University of Nevada, Las Vegas, School of Medicine or the University of Nevada, Reno, School of Medicine; and
 - (10) One person who serves as a victim's advocate, as defined in NRS 49.2545, at an institution within the System.

2. After the initial terms, each appointed member of the Task Force serves a term of 2 years and may be reappointed to one additional 2-year term following his or her initial term. A vacancy must be filled in the same manner as the original appointment.

3. The Task Force shall, at its first meeting and each odd-numbered year thereafter, elect a Chair from among its members.

4. The Task Force shall meet at least once annually and may meet at other times upon the call of the Chair or a majority of the members of the Task Force.

5. A majority of the members of the Task Force constitutes a quorum, and a quorum may exercise all the power and authority conferred on the Task Force.

6. Members of the Task Force serve without compensation, except that for each day or portion of a day during which a member of the Task Force attends a meeting of the Task Force or is otherwise engaged in the business of the Task Force, and within the limits of available money, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

7. Each member of the Task Force who is an officer or employee of the State or a local government must be relieved from his or her duties without loss of his or her regular compensation so that the member may prepare for and attend meetings of the Task Force and perform any work necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Task Force to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.

~~8. The Office of the Attorney General shall provide administrative support to the Task Force.~~

Sec. 12.5. 1. The Task Force on Sexual Misconduct at Institutions of Higher Education created by section 12 of this act shall:

(a) Review the results of any climate survey on sexual misconduct administered at an institution within the System; and

(b) Each year, hold a meeting open to the public to provide recommendations to the Board of Regents on how to address sexual misconduct at institutions within the System.

2. A meeting held pursuant to subsection 1 is not subject to the provisions of chapter 241 of NRS.

Sec. 13. 1. To the extent that money is available, the Board of Regents may appoint researchers employed at one or more institutions within the System to develop a climate survey on sexual misconduct designed to be administered at institutions within the System. The climate survey on sexual misconduct must:

(a) Gather institution-specific data regarding the prevalence of gender-based harassment and discrimination;

(b) Be fair and unbiased;

(c) Be scientifically valid and reliable; and

(d) Meet the highest standards of survey research.

2. If appointed to develop a climate survey on sexual misconduct, the researchers shall:

(a) Use best practices from peer-reviewed research;

(b) Consult with persons with expertise in the development and use of climate surveys on sexual misconduct at institutions of higher education;

(c) Consult with a student government association;

(d) Review climate surveys on sexual misconduct which have been developed and implemented by institutions of higher education, including, without limitation, institutions in other states;

(e) Provide opportunity for written comment from organizations that assist victims of sexual misconduct to ensure the adequacy and appropriateness of any proposed content of the climate survey on sexual misconduct;

(f) Consult with institutions within the System on strategies for optimizing the effectiveness of the climate survey on sexual misconduct; and

(g) Account for the diverse needs and differences of the institutions within the System.

3. *If a climate survey on sexual misconduct is developed, the climate survey must request information on topics related to sexual misconduct. The topics may include, without limitation:*

(a) The estimated number of alleged incidents of sexual misconduct, both reported and not reported, at an institution within the System, if a student taking the survey has knowledge of such information;

(b) When and where an alleged incident of sexual misconduct occurred;

(c) Whether an alleged incident of sexual misconduct was perpetrated by a student, faculty member, staff member of an institution within the System, third party vendor or another person;

(d) Awareness of a student of the policies and procedures related to sexual misconduct at an institution;

(e) Whether a student reported an alleged incident of sexual misconduct and:

(1) If the incident was reported, to which campus resource or law enforcement agency a report was made; and

(2) If the incident was not reported, the reason the student chose not to report the incident;

(f) Whether a student who reported an alleged incident of sexual misconduct was:

(1) Offered supportive measures by an institution;

(2) Informed of, aware of or referred to campus, local or state resources for support for victims, including, without limitation, appropriate medical care and legal services; and

(3) Informed of the prohibition against retaliation for reporting an alleged incident of sexual misconduct;

(g) Contextual factors in an alleged incident of sexual misconduct, such as the involvement of force, incapacitation or coercion;

(h) Demographic information that could be used to identify at-risk groups, including, without limitation, the gender, race, ethnicity, national origin, economic status, disability, gender identity or expression, immigration status

and sexual orientation of the student taking the climate survey on sexual misconduct;

(i) Perceptions a student has of campus safety;

(j) Whether a student has confidence in the ability of the institution to protect against and respond to alleged incidents of sexual misconduct;

(k) Whether a student chose to withdraw or take a leave of absence from the institution or transfer to another institution because the student is the complainant or respondent in an alleged incident of sexual misconduct;

(l) Whether a student withdrew from any classes or was placed on academic probation, disciplinary probation or otherwise disciplined as a result of an alleged incident of sexual misconduct;

(m) Whether a student experienced any financial impact as a result of an alleged incident of sexual misconduct;

(n) Whether a student experienced any negative health impacts as a result of an alleged incident of sexual misconduct, including, without limitation, post-traumatic stress disorder, anxiety, depression, chronic pain or an eating disorder;

(o) The perception of the participants in the survey of the attitudes of the community toward sexual misconduct, including, without limitation, the willingness of a person to intervene in an ongoing incident of sexual misconduct as a bystander; and

(p) Any other questions as determined necessary by the researchers.

4. The climate survey on sexual misconduct must provide an option for students to decline to answer a question.

5. The climate survey on sexual misconduct must be provided to the Task Force on Sexual Misconduct at Institutions of Higher Education created pursuant to section 12 of this act for comment.

Sec. 14. 1. To the extent that money is available, the Board of Regents may require each institution within the System to conduct a climate survey on sexual misconduct at the institution biennially.

2. A climate survey on sexual misconduct conducted pursuant to subsection 1 must include the questions developed by researchers employed at an institution within the System pursuant to section 13 of this act. If an institution within the System includes additional questions on a climate survey on sexual misconduct pursuant to subsection 1, the questions must not be unnecessarily traumatizing for a victim of an alleged incident of sexual misconduct.

3. If an institution within the System conducts a climate survey on sexual misconduct pursuant to subsection 1, the institution shall:

(a) Provide the survey to each student at the institution, including, without limitation, students studying abroad;

(b) Not require the disclosure of personally identifiable information by a participant in the climate survey on sexual misconduct;

(c) Work to ensure an adequate number of students complete the survey to achieve a random and representative sample size of students;

(d) Within 120 days after completion of the climate survey on sexual misconduct:

- (1) Compile a summary of the responses to the survey; and
- (2) Submit the summary of responses to the Board of Regents; and

(e) Post on the Internet website maintained by the institution in a manner that does not disclose personally identifiable information of any person, the summary of the responses to the climate survey on sexual misconduct.

3. A climate survey on sexual misconduct must be administered electronically by an institution within the System and provide reasonable accommodations for students with a disability.

4. An institution within the System may obtain a waiver from the Board of Regents to not administer a climate survey on sexual misconduct pursuant to this section due to the financial circumstances of the institution.

5. An institution within the System may apply for and accept any gifts, grants, donations, bequests or other money from any source to carry out the provisions of this section.

6. Any data or reports that underlie the summaries generated pursuant to subsection 2 are confidential and are not a public record for the purposes of chapter 239 of NRS.

Sec. 15. 1. If the Board of Regents requires an institution within the System to conduct a climate survey on sexual misconduct pursuant to section 14 of this act, the Board of Regents shall to the extent that money is available:

(a) Provide a copy of the questions developed by the researchers employed at an institution within the System pursuant to section 13 of this act to each institution within a reasonable time after the Board of Regents receives the questions from the researchers;

(b) Establish a repository for the summaries of the climate survey on sexual misconduct submitted by each institution pursuant to section 14 of this act;

(c) Post each summary of the responses to a climate survey on sexual misconduct submitted by an institution pursuant to section 14 of this act on the Internet website maintained by the Board of Regents in a manner that does not disclose personally identifiable information of any person;

(d) Adopt a policy on the dissemination, collection and summation of the responses to the climate survey on sexual misconduct; and

(e) On or before February 1 of each odd-numbered year, report the summaries of the climate survey on sexual misconduct submitted by an institution pursuant to section 14 of this act to the Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing Committees on Education.

2. Any data or reports that underlie the summaries generated pursuant to subsection 1 are confidential and are not a public record for the purposes of chapter 239 of NRS.

Sec. 16. The Board of Regents may require an institution within the System to:

1. Require employees who participate in the grievance process of the institution pursuant to Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., or a policy on sexual misconduct adopted pursuant to section 17 of this act to receive annual training on topics related to sexual misconduct which may include, without limitation, any training required pursuant to section 23 of this act;

2. Provide a complainant and respondent with a copy of the policies of the institution regarding the submission and consideration of evidence that may be considered during the grievance process;

3. Except as otherwise required by federal law, within 14 business days after the conclusion of the grievance process, inform the complainant and the respondent of the result of the grievance process; and

4. Unless otherwise required by state or federal law, not publicly disclose the identity of a complainant or respondent.

Sec. 17. 1. The Board of Regents may require an institution within the System to adopt a policy on sexual misconduct consistent with applicable state and federal law.

2. If the Board of Regents requires the adoption of a policy on sexual misconduct pursuant to subsection 1, in developing the policy on sexual misconduct, an institution within the System:

(a) Shall:

(1) Incorporate a trauma-informed response;

(2) Coordinate with:

(I) The Title IX coordinator of the institution; and

(II) If an institution has entered into a memorandum of understanding pursuant to section 19 of this act, the organization that assists persons involved in sexual misconduct; and

(3) Engage in a culturally competent manner to reflect the diverse needs of all students; and

(b) May consider input from internal and external entities, including, without limitation:

(1) Administrators at the institution;

(2) Personnel affiliated with health care centers located on or off a campus of the institution that provide services to the institution;

(3) An advocate designated pursuant to section 20 of this act;

(4) Staff affiliated with campus housing services;

(5) Students enrolled in an institution within the System;

(6) A provider of health care;

(7) Law enforcement agencies, including, without limitation, campus police or security; and

(8) The district attorney of the county where the main campus of the institution is located.

3. If the Board of Regents requires the adoption of a policy on sexual misconduct pursuant to subsection 1, an institution within the System shall provide:

(a) Internal or external entities an opportunity to provide comment on the initial policy on sexual misconduct or any substantive change to the policy;

(b) Instructions on how an internal or external entity may provide comment on the initial policy on sexual misconduct or a substantive change to the policy; and

(c) A reasonable length of time during which the institution will accept comment.

4. After an initial policy on sexual misconduct is adopted by an institution within the System, the opportunity for comment by an internal or external entity pursuant to subsection 3 applies only to a substantive change to the policy, as determined by the institution.

5. If the Board of Regents requires the adoption of a policy on sexual misconduct pursuant to subsection 1, an institution within the System shall make the policy on sexual misconduct publicly available not later than the start of each academic year:

(a) Upon request, to a prospective student, current student or employee of the institution; and

(b) On the Internet website maintained by the institution.

Sec. 18. A policy on sexual misconduct adopted pursuant to section 17 of this act must include, without limitation, information on:

1. The procedures by which a student or employee at an institution within the System may report or disclose an alleged incident of sexual misconduct that occurred on or off a campus of the institution;

2. Supportive measures, including, without limitation:

(a) Changing academic, living, campus transportation or work arrangements;

(b) Taking a leave of absence from the institution in response to an alleged incident of sexual misconduct;

(c) How to request supportive measures; and

(d) The process to have any supportive measures reviewed by the institution;

3. Appropriate local, state and federal law enforcement agencies, including, without limitation, the contact information for a law enforcement agency; and

4. The grievance process of the institution for investigating and resolving a report of an alleged incident of sexual misconduct ~~and~~ pursuant to Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.

Sec. 18.3. (Deleted by amendment.)

Sec. 18.5. (Deleted by amendment.)

Sec. 19. 1. The Board of Regents may require an institution within the System to enter into a memorandum of understanding with an organization that assists persons involved in sexual misconduct. The memorandum of understanding may, without limitation:

(a) Allow for cooperation and training between the institution and the organization that assists persons involved in sexual misconduct to establish an understanding of the:

(1) Responsibilities that the institution and organization that assists persons involved in sexual misconduct have in responding to a report or disclosure of an alleged incident of sexual misconduct; and

(2) Procedures of the institution for providing support and services to students and employees;

(b) Require an organization that assists persons involved in sexual misconduct to:

(1) Assist with developing policies, programming or training at the institution regarding sexual misconduct;

(2) Provide an alternative for a student or employee of the institution to receive free and confidential counseling, advocacy or crisis services related to an alleged incident of sexual misconduct that are located on or off a campus of the institution, including, without limitation:

(I) Access to a health care provider who specializes in forensic medical examinations; and

(II) Confidential services;

(3) Assist with the development and implementation of education and prevention programs for students of the institution; and

(4) Assist with the development and implementation of training and prevention curriculum for employees of the institution; and

(c) Include a fee structure for any services provided by the organization that assists persons involved in sexual misconduct.

2. As used in this section, "forensic medical examination" has the meaning ascribed to it in NRS 217.300.

Sec. 20. 1. The Board of Regents may require an institution within the System to designate an advocate. If the Board of Regents requires the designation of an advocate, an institution shall designate existing categories of employees who may serve as an advocate. An institution may:

(a) Partner with an organization that assists persons involved in sexual misconduct to designate an advocate; or

(b) If the institution enrolls less than 1,000 students who reside in campus housing, partner with another institution within the System to designate an advocate.

2. An advocate designated pursuant to subsection 1:

(a) Must not be a Title IX coordinator, a member of campus police or law enforcement or any other official of the institution who is authorized to initiate a disciplinary proceeding on behalf of the institution or whose position at the institution may create a conflict of interest;

(b) Must be designated based on the training or experience of the person to effectively provide services related to sexual misconduct; and

(c) Must have completed at least 20 hours of relevant training.

3. If an institution within the System designates an advocate pursuant to subsection 1, the advocate must be trained on:

- (a) The awareness and prevention of sexual misconduct;
- (b) Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.;
- (c) Any policy on sexual misconduct adopted by the institution pursuant to section 17 of this act; and
- (d) Trauma-informed responses to a report of an alleged incident of sexual misconduct.

4. An institution within the System that designates an advocate pursuant to subsection 1 shall provide for the availability of an advocate to students within a reasonable distance from the institution or by electronic means if it is not practicable to provide for the availability of an advocate in person.

Sec. 21. 1. If an advocate is designated pursuant to section 20 of this act, the advocate shall:

(a) Inform a student or employee of, or provide resources about how to obtain information on:

(1) Options on how to report an alleged incident of sexual misconduct and the effects of each option;

(2) Counseling services available on a campus of the institution and through local community resources;

(3) Medical and legal services available on or off a campus of the institution;

(4) Available supportive measures;

(5) Counseling related to student loans;

(6) The grievance process of the institution and that the grievance process is not a substitute for the system of criminal justice;

(7) The role of local, state and federal law enforcement agencies;

(8) Any limits on the ability of the advocate to provide privacy or confidentiality to the student or employee; and

(9) A policy on sexual misconduct adopted by the institution pursuant to section 17 of this act;

(b) Notify the student or employee of his or her rights and the responsibilities of the institution regarding an order for protection, restraining order or injunction issued by a court;

(c) Unless otherwise required by state or federal law, not be required to report an alleged incident of sexual misconduct to the institution or a law enforcement agency;

(d) Provide confidential services to students and employees;

(e) Not provide confidential services to more than one party in a grievance process;

(f) Unless otherwise required by state or federal law, not disclose confidential information without the prior written consent of the student or employee who shared the information;

(g) Support a complainant or respondent in obtaining supportive measures to ensure the complainant or respondent has continued access to education; and

(h) Inform a student or employee that supportive measures may be available through disability services or the Title IX coordinator.

2. If an advocate is designated pursuant to section 20 of this act, the advocate may:

(a) If appropriate and if directed by a student or employee, assist the student or employee in reporting an alleged incident of sexual misconduct to the institution or a law enforcement agency; and

(b) Attend a disciplinary proceeding of the institution as the advisor or support person of a complainant.

3. Notice to an advocate of an alleged incident of sexual misconduct or the performance of services by an advocate pursuant to this section shall not constitute actual or constructive notice of an alleged incident of sexual misconduct to the institution within the System which designated the advocate pursuant to section 20 of this act.

4. If a conflict of interest arises between the institution within the System which designated an advocate and the advocate in advocating for the provision of supportive measures by the institution to a complainant or a respondent, the institution shall not discipline, penalize or otherwise retaliate against the advocate for advocating for the complainant or the respondent.

Sec. 22. 1. The Board of Regents may prohibit an institution within the System from subjecting a complainant, reporting party or witness who reports an alleged incident of sexual misconduct to a disciplinary proceeding or sanction for a violation of a policy on student conduct related to drug or alcohol use, trespassing or unauthorized entry of school facilities or other violation of a policy of an institution that occurred during or related to an alleged incident of sexual misconduct unless the institution determines that the:

(a) Report of an alleged incident of sexual misconduct was not made in good faith; or

(b) The violation of a policy on student conduct was egregious, including, without limitation, a violation that poses a risk to the health or safety of another person.

2. The Board of Regents may require an institution within the System to review any disciplinary action taken against a reporting party or witness to determine if there is any connection between the alleged incident of sexual misconduct that was reported and the misconduct that led to the reporting party or witness being disciplined.

Sec. 23. 1. The Board of Regents may require an institution within the System to provide training on the grievance process of the institution ~~to appropriate employees, as determined by the Board of Regents.~~ in accordance with 34 C.F.R. § 106.45.

2. The Board of Regents may require an institution within the System to train the Title IX coordinator and members of the campus police or safety personnel of the institution in the awareness of sexual misconduct and in trauma-informed response to an alleged incident of sexual misconduct.

Sec. 24. 1. The Board of Regents may require an institution within the System to provide programming on awareness and prevention of sexual misconduct to all students and employees of the institution. If the Board of Regents requires an institution to provide programming on awareness and prevention of sexual misconduct, the programming must include, without limitation:

(a) An explanation of consent as it applies to a sexual act or sexual conduct with another person;

(b) The manner in which drugs and alcohol may affect the ability of a person to consent to a sexual act or sexual conduct with another person;

(c) Information on options for reporting an alleged incident of sexual misconduct, the effects of each option and the method to file a report under each option, including, without limitation, a description of the confidentiality and anonymity, as applicable, of a report;

(d) Information on the grievance process of the institution for addressing a report of an alleged incident of sexual misconduct, including, without limitation, a policy on sexual misconduct adopted pursuant to section 17 of this act;

(e) The range of sanctions or penalties the institution may impose on a student or employee found responsible for an incident of sexual misconduct;

(f) If an advocate is designated pursuant to section 20 of this act, the name, contact information and role of the advocate;

(g) Strategies for intervention by bystanders;

(h) Strategies for reduction of the risk of sexual misconduct; and

(i) Any other opportunities for additional programming on awareness and prevention of sexual misconduct.

2. If an institution provides programming on awareness and prevention of sexual misconduct pursuant to subsection 1, the institution:

(a) Shall coordinate with the Title IX coordinator of the institution;

(b) May coordinate with a law enforcement agency and, if the institution entered into a memorandum of understanding with an organization that assists persons involved in sexual misconduct pursuant to section 19 of this act, that organization; and

(c) Shall require students or employees to attend the programming on the awareness and prevention of sexual misconduct.

3. If an institution provides programming on awareness and prevention of sexual misconduct pursuant to subsection 1, the programming may be culturally responsive and address the unique experiences and challenges faced by students based on the race, ethnicity, national origin, economic status, disability, gender identity or expression, immigration status and sexual orientation of a student.

Sec. 24.3. *The Board of Regents may require an institution within the System that receives a report of an alleged incident of sexual misconduct that involves a student or employee of the institution to determine the responsibility of a respondent, if any, based on a preponderance of the evidence.*

Sec. 24.5. 1. *The Board of Regents may require an institution within the System to accept a request from a complainant who is 18 years of age or older to keep the identity of the complainant confidential or take no investigative or disciplinary action against a respondent. An institution shall not grant such a request if state or federal law requires disclosure or further action. In determining whether to grant such a request, the institution shall consider whether there is a risk that the respondent may commit additional acts of sexual misconduct, violence, discrimination or harassment based on whether one or more of the following factors are present to a sufficient degree such that the request cannot be honored:*

(a) There are any previous or existing reports of an incident of sexual misconduct against the respondent, including, without limitation, records of complaints or the arrest of the respondent;

(b) The respondent allegedly used a weapon;

(c) The respondent threatened violence, discrimination or harassment against the complainant or other persons;

(d) The alleged incident of sexual misconduct was alleged to have been committed by two or more people;

(e) The circumstances surrounding the alleged incident of sexual misconduct indicate that the incident was premeditated and, if so, whether the respondent or another person allegedly premeditated the incident;

(f) The circumstances surrounding the alleged incident of sexual misconduct indicate a pattern of consistent behavior at a particular location or by a particular group of people;

(g) The institution is able to conduct a thorough investigation and obtain relevant evidence without the cooperation of the complainant; and

(h) There are any other factors that indicate the respondent may repeat the behavior alleged by the complainant or that the complainant or other persons may be at risk of harm.

2. *If an institution within the System grants a request for confidentiality or to not take any investigative or disciplinary action pursuant to subsection 1, the institution shall take reasonable steps to, without initiating formal action against the respondent:*

(a) Respond to the report of the alleged incident of sexual misconduct while maintaining the confidentiality of the complainant;

(b) Limit the effects of the alleged incident of sexual misconduct; and

(c) Prevent the recurrence of any misconduct.

3. *Reasonable steps taken pursuant to subsection 2 may include, without limitation:*

(a) Increased monitoring, supervision or security at locations or activities where the alleged incident of sexual misconduct occurred;

(b) Providing additional training and educational materials for students and employees; or

(c) Ensuring a complainant is informed of and has access to appropriate supportive measures.

4. If an institution within the System grants a request for confidentiality or to not take any investigative or disciplinary action pursuant to subsection 1, the institution shall inform the complainant that the ability of the institution to respond to the report of the alleged incident of sexual misconduct will be limited by the request.

5. If an institution within the System determines that it cannot grant a request for confidentiality or to not take any investigative or disciplinary action pursuant to subsection 1, the institution shall:

(a) Inform the complainant of the determination before disclosing the identity of the complainant or initiating an investigation;

(b) Make available supportive measures for the complainant; and

(c) If requested by the complainant, inform the respondent that the complainant asked the institution not to take investigative or disciplinary action against the respondent.

Sec. 24.7. 1. In conducting an investigation of an alleged incident of sexual misconduct an institution within the System shall:

(a) Provide the complainant and the respondent the opportunity to identify witnesses and other evidence to assist the institution in determining whether an alleged incident of sexual misconduct has occurred;

(b) Inform the complainant and the respondent that any evidence available to the party but not disclosed during the investigation might not be considered at a subsequent hearing; and

(c) Ensure that questions and evidence of the sexual history or sexual predisposition of a complainant are not considered relevant unless the:

(1) Questions or evidence are directly relevant to prove that the conduct alleged to have been committed by the respondent was inflicted by another person; or

(2) Questions and evidence are relevant to demonstrate how the parties communicated consent in previous or subsequent consensual sexual conduct.

2. An institution within the System shall provide periodic updates on the investigation to the complainant and the respondent regarding the timeline of the investigation.

3. An institution within the System shall notify the complainant and the respondent of the findings of an investigation simultaneously.

4. If an institution within the System imposes any disciplinary action based on the findings of an investigation on a respondent, such disciplinary action must be imposed in accordance with the grievance process of the institution.

Sec. 24.8. (Deleted by amendment.)

Sec. 24.9. 1. An institution within the System may issue a no-contact directive prohibiting the complainant and the respondent from contacting each

other. An institution may issue a no-contact directive if the directive is necessary to, without limitation:

(a) Protect the safety or well-being of either the complainant or the respondent; or

(b) Respond to interference with an investigation.

2. A no-contact directive issued against the respondent after a decision of responsibility, if any, has been made ~~may~~ must be unilateral and mutually applied only against to the complainant and the respondent.

3. If an institution issues a mutual no-contact directive, the institution shall provide the complainant and the respondent with an explanation of the terms of the directive, including, without limitation, that a violation of the directive may subject the party to disciplinary action.

Sec. 24.95. 1. A student who experiences sexual misconduct may request a waiver from any requirement to maintain a certain grade point average, credit enrollment, or other academic or disciplinary record requirement relating to academic success for any scholarship, grant or other academic program offered by an institution within the System. A waiver may be granted by a provost, dean, academic advisor or other appropriate staff or faculty member of the institution.

2. A student or employee who experiences sexual misconduct may be granted a request to take a leave of absence or, to the extent practicable, extend benefits of employment.

Sec. 25. 1. The Board of Regents may require an institution within the System to prepare and submit to the Board of Regents an annual report that includes, without limitation:

(a) The total number of reports of alleged incidents of sexual misconduct allegedly committed by a student or employee of the institution made to the Title IX office of the institution;

(b) The number of students and employees found responsible for an incident of sexual misconduct by the institution;

(c) The number of students and employees accused of but found not responsible for an incident of sexual misconduct by the institution;

(d) The number of persons sanctioned by the institution as a result of a finding of responsibility for an incident of sexual misconduct; and

(e) The number of persons who submitted requests for supportive measures and the number of persons who received supportive measures.

2. A report submitted pursuant to subsection 1 must not contain any personally identifiable information of a student or employee of an institution within the System.

3. Information contained in a report submitted pursuant to subsection 1 must be able to be disaggregated by students and employees.

4. If the Board of Regents requires a report to be prepared and submitted pursuant to subsection 1, an institution shall submit the report to the Board of Regents not later than October 1 of each year.

~~4.4~~ 5. *If the Board of Regents requires a report to be prepared and submitted pursuant to subsection 1, the Board of Regents shall, not later than December 31 of each year, submit a compilation of the reports the Board of Regents received pursuant to subsection 1 to the Director of the Department of Health and Human Services and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature in even-numbered years or the Legislative Committee on Education in odd-numbered years.*

~~5.4~~ 6. *Any data or reports that underlie the report prepared pursuant to subsection ~~3.4~~ 4 are confidential and are not a public record for the purposes of chapter 239 of NRS.*

Sec. 26. (Deleted by amendment.)

Sec. 27. *The Board of Regents may adopt regulations as necessary to carry out the provisions of sections 2 to 27, inclusive, of this act.*

Sec. 27.05. NRS 396.540 is hereby amended to read as follows:

396.540 1. For the purposes of this section:

(a) "Bona fide resident" shall be construed in accordance with the provisions of NRS 10.155 and policies established by the Board of Regents, to the extent that those policies do not conflict with any statute. The qualification "bona fide" is intended to ensure that the residence is genuine and established for purposes other than the avoidance of tuition.

(b) "Matriculation" has the meaning ascribed to it in regulations adopted by the Board of Regents.

(c) "Tuition charge" means a charge assessed against students who are not residents of Nevada and which is in addition to registration fees or other fees assessed against students who are residents of Nevada.

2. The Board of Regents may fix a tuition charge for students at all campuses of the System, but tuition charges must not be assessed against:

(a) All students whose families have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System;

(b) All students whose families reside outside of the State of Nevada, providing such students have themselves been bona fide residents of the State of Nevada for at least 12 months before their matriculation at a university, state college or community college within the System;

(c) All students whose parent, legal guardian or spouse is a member of the Armed Forces of the United States who:

(1) Is on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California; or

(2) Was on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date on

which the student ~~enrolled at~~ is admitted to an institution of the System if such students enroll and maintain continuous enrollment at an institution of the System;

(d) All students who are using benefits under the Marine Gunnery Sergeant John David Fry Scholarship pursuant to 38 U.S.C. § 3311(b)(8);

(e) All public school teachers who are employed full-time by school districts in the State of Nevada;

(f) All full-time teachers in private elementary, secondary and postsecondary educational institutions in the State of Nevada whose curricula meet the requirements of chapter 394 of NRS;

(g) Employees of the System who take classes other than during their regular working hours;

(h) Members of the Armed Forces of the United States who are on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California;

(i) Veterans of the Armed Forces of the United States who were honorably discharged and who were on active duty while stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date of discharge;

(j) Except as otherwise provided in subsection 3, veterans of the Armed Forces of the United States who were honorably discharged within the 5 years immediately preceding the date of matriculation of the veteran at a university, state college or community college within the System; ~~and~~

(k) Veterans of the Armed Forces of the United States who have been awarded the Purple Heart ~~and~~; and

(l) Students who graduated from a high school located in this State, regardless of whether the student or the family of the student have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System.

3. The Board of Regents may grant more favorable exemptions from tuition charges for veterans of the Armed Forces of the United States who were honorably discharged than the exemption provided pursuant to paragraph (j) of subsection 2, if required for the receipt of federal money.

4. The Board of Regents may grant exemptions from tuition charges each semester to other worthwhile and deserving students from other states and foreign countries, in a number not to exceed a number equal to 3 percent of the total matriculated enrollment of students for the last preceding fall semester.

Sec. 27.1. NRS 396.585 is hereby amended to read as follows:

396.585 1. The Board of Regents shall require each student who

participates as a member of a varsity athletic team which represents ~~the University of Nevada, Reno, or the University of Nevada, Las Vegas,~~ an institution within the System to make satisfactory progress toward obtaining a degree as a condition of participation as a member of the team.

2. The Board of Regents shall establish standards for determining whether a student is making satisfactory progress toward obtaining his or her degree as required by this section. ~~The~~ *Except as otherwise provided in section 24.95 of this act, the standards must:*

(a) Include a requirement that a student enroll in a sufficient number of courses in each semester that are required to obtain the academic degree the student is seeking to allow the student to complete the requirements for obtaining the degree within a reasonable period after the student's admission.

(b) Include a requirement that a student maintain a minimum grade point average in the courses required pursuant to paragraph (a).

Sec. 27.3. NRS 396.890 is hereby amended to read as follows:

396.890 1. The Board of Regents may administer, directly or through a designated officer or employee of the System, a program to provide loans for fees, books and living expenses to students in the nursing programs of the System.

2. Each student to whom a loan is made must:

(a) Have been a "bona fide resident" of Nevada, as that term is defined in NRS 396.540, for at least 6 months prior to the "matriculation" of the student in the System, as that term is defined pursuant to NRS 396.540;

(b) Be enrolled at the time the loan is made in a nursing program of the System for the purpose of becoming a licensed practical nurse or registered nurse;

(c) ~~Fulfill~~ *Except as otherwise provided in section 24.95 of this act, fulfill* all requirements for classification as a full-time student showing progression towards completion of the program; and

(d) ~~Maintain~~ *Except as otherwise provided in section 24.95 of this act, maintain* at least a 2.00 grade point average in each class and at least a 2.75 overall grade point average, on a 4.0 grading scale.

3. Each loan must be made upon the following terms:

(a) All loans must bear interest at 8 percent per annum from the date when the student receives the loan.

(b) Each student receiving a loan must repay the loan with interest following the termination of the student's education for which the loan is made. The loan must be repaid in monthly installments over the period allowed with the first installment due 1 year after the date of the termination of the student's education for which the loan is made. The amounts of the installments must not be less than \$50 and may be calculated to allow a smaller payment at the beginning of the period of repayment, with each succeeding payment gradually increasing so that the total amount due will have been paid within the period for repayment. The period for repayment of the loans must be:

(1) Five years for loans which total less than \$10,000.

(2) Eight years for loans which total \$10,000 or more, but less than \$20,000.

(3) Ten years for loans which total \$20,000 or more.

4. A delinquency charge may be assessed on any installment delinquent 10 days or more in the amount of 8 percent of the installment or \$4, whichever is greater, but not more than \$15.

5. The reasonable costs of collection and an attorney's fee may be recovered in the event of delinquency.

Sec. 27.5. NRS 396.930 is hereby amended to read as follows:

396.930 1. Except as otherwise provided in subsections 2 and 4, a student may apply to the Board of Regents for a Millennium Scholarship if the student:

(a) Except as otherwise provided in paragraph (e) of subsection 2, has been a resident of this State for at least 2 years before the student applies for the Millennium Scholarship;

(b) Except as otherwise provided in paragraph (c), graduated from a public or private high school in this State:

(1) After May 1, 2000, but not later than May 1, 2003; or

(2) After May 1, 2003, and, except as otherwise provided in paragraphs (c), (d) and (f) of subsection 2, not more than 6 years before the student applies for the Millennium Scholarship;

(c) Does not satisfy the requirements of paragraph (b) and:

(1) Was enrolled as a pupil in a public or private high school in this State with a class of pupils who were regularly scheduled to graduate after May 1, 2000;

(2) Received his or her high school diploma within 4 years after he or she was regularly scheduled to graduate; and

(3) Applies for the Millennium Scholarship not more than 6 years after he or she was regularly scheduled to graduate from high school;

(d) Except as otherwise provided in paragraph (e), maintained in high school in the courses designated by the Board of Regents pursuant to paragraph (b) of subsection 2, at least:

(1) A 3.00 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2003 or 2004;

(2) A 3.10 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2005 or 2006; or

(3) A 3.25 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2007 or a later graduating class;

(e) Does not satisfy the requirements of paragraph (d) and received at least the minimum score established by the Board of Regents on a college entrance examination approved by the Board of Regents that was administered to the student while the student was enrolled as a pupil in a public or private high school in this State; and

(f) Except as otherwise provided in NRS 396.936 ~~and~~ *and section 24.95 of this act*, is enrolled in at least:

- (1) Nine semester credit hours in a community college within the System;
- (2) Twelve semester credit hours in another eligible institution; or
- (3) A total of 12 or more semester credit hours in eligible institutions if the student is enrolled in more than one eligible institution.

2. The Board of Regents:

(a) Shall define the core curriculum that a student must complete in high school to be eligible for a Millennium Scholarship.

(b) Shall designate the courses in which a student must earn the minimum grade point averages set forth in paragraph (d) of subsection 1.

(c) May establish criteria with respect to students who have been on active duty serving in the Armed Forces of the United States to exempt such students from the 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1.

(d) Shall establish criteria with respect to students who have a documented physical or mental disability or who were previously subject to an individualized education program under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., or a plan under Title V of the Rehabilitation Act of 1973, 29 U.S.C. §§ 791 et seq. The criteria must provide an exemption for those students from:

(1) The 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1 and subparagraph (3) of paragraph (c) of subsection 1 and any limitation applicable to students who are eligible pursuant to subparagraph (1) of paragraph (b) of subsection 1.

(2) The minimum number of credits prescribed in paragraph (f) of subsection 1.

(e) Shall establish criteria with respect to students who have a parent or legal guardian on active duty in the Armed Forces of the United States to exempt such students from the residency requirement set forth in paragraph (a) of subsection 1 or subsection 4.

(f) Shall establish criteria with respect to students who have been actively serving or participating in a charitable, religious or public service assignment or mission to exempt such students from the 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1. Such criteria must provide for the award of Millennium Scholarships to those students who qualify for the exemption and who otherwise meet the eligibility criteria to the extent that money is available to award Millennium Scholarships to the students after all other obligations for the award of Millennium Scholarships for the current school year have been satisfied.

3. If the Board of Regents requires a student to successfully complete courses in mathematics or science to be eligible for a Millennium Scholarship, a student who has successfully completed one or more courses in computer science described in NRS 389.0186 must be allowed to apply not more than one unit of credit received for the completion of such courses toward that requirement.

4. Except as otherwise provided in paragraph (c) of subsection 1, for students who did not graduate from a public or private high school in this State and who, except as otherwise provided in paragraph (e) of subsection 2, have been residents of this State for at least 2 years, the Board of Regents shall establish:

(a) The minimum score on a standardized test that such students must receive; or

(b) Other criteria that students must meet,
 ➔ to be eligible for Millennium Scholarships.

5. In awarding Millennium Scholarships, the Board of Regents shall enhance its outreach to students who:

(a) Are pursuing a career in education or health care;

(b) Come from families who lack sufficient financial resources to pay for the costs of sending their children to an eligible institution; or

(c) Substantially participated in an antismoking, antidrug or antialcohol program during high school.

6. The Board of Regents shall establish a procedure by which an applicant for a Millennium Scholarship is required to execute an affidavit declaring the applicant's eligibility for a Millennium Scholarship pursuant to the requirements of this section. ~~The affidavit must include a declaration that the applicant is a citizen of the United States or has lawful immigration status, or that the applicant has filed an application to legalize the applicant's immigration status or will file an application to legalize his or her immigration status as soon as he or she is eligible to do so.~~

Sec. 27.7. NRS 396.934 is hereby amended to read as follows:

396.934 1. Except as otherwise provided in this section, within the limits of money available in the Trust Fund, a student who is eligible for a Millennium Scholarship is entitled to receive:

(a) If he or she is enrolled in a community college within the System, including, without limitation, a summer academic term, \$40 per credit for each lower division course and \$60 per credit for each upper division course in which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the community college that are not otherwise satisfied by other grants or scholarships, whichever is less. The Board of Regents shall provide for the designation of upper and lower division courses for the purposes of this paragraph.

(b) If he or she is enrolled in a state college within the System, including, without limitation, a summer academic term, \$60 per credit for which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the state college that are not otherwise satisfied by other grants or scholarships, whichever is less.

(c) If he or she is enrolled in another eligible institution, including, without limitation, a summer academic term, \$80 per credit for which the student is enrolled, or the amount of money that is necessary for the student to pay the

costs of attending the university that are not otherwise satisfied by other grants or scholarships, whichever is less.

(d) If he or she is enrolled in more than one eligible institution, including, without limitation, a summer academic term, the amount authorized pursuant to paragraph (a), (b) or (c), or a combination thereof, in accordance with procedures and guidelines established by the Board of Regents.

➡ In no event may a student who is eligible for a Millennium Scholarship receive more than the cost of 15 semester credits per semester pursuant to this subsection.

2. No student may be awarded a Millennium Scholarship:

(a) To pay for remedial courses.

(b) For a total amount in excess of \$10,000.

3. Except as otherwise provided in NRS 396.936 ~~{} and section 24.95 of this act~~, a student who receives a Millennium Scholarship shall:

(a) Make satisfactory academic progress toward a recognized degree or certificate, as determined by the Board of Regents pursuant to subsection 8; and

(b) Maintain at least a 2.75 grade point average on a 4.0 grading scale for each semester of enrollment in the Governor Guinn Millennium Scholarship Program.

4. A student who receives a Millennium Scholarship is encouraged to volunteer at least 20 hours of community service for this State, a political subdivision of this State or a charitable organization that provides service to a community or the residents of a community in this State during each year in which the student receives a Millennium Scholarship.

5. If a student does not satisfy the requirements of subsection 3 during one semester of enrollment, excluding a summer academic term, he or she is not eligible for the Millennium Scholarship for the succeeding semester of enrollment. If such a student:

(a) Subsequently satisfies the requirements of subsection 3 in a semester in which he or she is not eligible for the Millennium Scholarship, the student is eligible for the Millennium Scholarship for the student's next semester of enrollment.

(b) Fails a second time to satisfy the requirements of subsection 3 during any subsequent semester, excluding a summer academic term, the student is no longer eligible for a Millennium Scholarship.

6. A Millennium Scholarship must be used only:

(a) For the payment of registration fees and laboratory fees and expenses;

(b) To purchase required textbooks and course materials; and

(c) For other costs related to the attendance of the student at the eligible institution.

7. The Board of Regents shall certify a list of eligible students to the State Treasurer. The State Treasurer shall disburse a Millennium Scholarship for each semester on behalf of an eligible student directly to the eligible institution in which the student is enrolled, upon certification from the eligible institution

of the number of credits for which the student is enrolled, which must meet or exceed the minimum number of credits required for eligibility and certification that the student is in good standing and making satisfactory academic progress toward a recognized degree or certificate, as determined by the Board of Regents pursuant to subsection 8. The Millennium Scholarship must be administered by the eligible institution as other similar scholarships are administered and may be used only for the expenditures authorized pursuant to subsection 6. If a student is enrolled in more than one eligible institution, the Millennium Scholarship must be administered by the eligible institution at which the student is enrolled in a program of study leading to a recognized degree or certificate.

8. The Board of Regents shall establish:

(a) Criteria for determining whether a student is making satisfactory academic progress toward a recognized degree or certificate for purposes of subsection 7.

(b) Procedures to ensure that all money from a Millennium Scholarship awarded to a student that is refunded in whole or in part for any reason is refunded to the Trust Fund and not the student.

(c) Procedures and guidelines for the administration of a Millennium Scholarship for students who are enrolled in more than one eligible institution.

Sec. 27.9. NRS 396.945 is hereby amended to read as follows:

396.945 1. The Board shall annually award the Memorial Scholarship to:

(a) Two recipients who are students enrolled at:

(1) The University of Nevada, Reno, Great Basin College or Sierra Nevada College;

(2) A nonprofit university which awards a bachelor's degree in education to residents of northern Nevada; or

(3) Any other college or university which awards a bachelor's degree in education and which is designated by the Board as an institution representative of northern Nevada; and

(b) Two recipients who are students enrolled at:

(1) The University of Nevada, Las Vegas, or Nevada State College;

(2) A nonprofit university which awards a bachelor's degree in education to residents of southern Nevada; or

(3) Any other college or university which awards a bachelor's degree in education and which is designated by the Board as an institution representative of southern Nevada.

2. The Board shall establish additional criteria governing the annual selection of each recipient of the Memorial Scholarship, which must include, without limitation, a requirement that a recipient:

(a) Be in or entering his or her senior year at an academic institution described in subsection 1;

(b) Satisfy the eligibility requirements for a Millennium Scholarship set forth in NRS 396.930;

(c) ~~Have~~ Except as otherwise provided in section 24.95 of this act, have a college grade point average of not less than 3.5 on a 4.0 grading scale or, if enrolled at an academic institution that does not use a grade point system to measure academic performance, present evidence acceptable to the Board that demonstrates a commensurate level of academic achievement;

(d) Have a declared major in elementary education or secondary education;

(e) Have a stated commitment to teaching in this State following graduation; and

(f) Have a record of community service.

3. A student who satisfies the criteria established pursuant to this section may apply for a Memorial Scholarship by submitting an application to the Office of the State Treasurer on a form provided on the Internet website of the State Treasurer.

4. The State Treasurer shall forward all applications received pursuant to subsection 3 to the Board. The Board shall review and evaluate each application received from the State Treasurer and select each recipient of the Memorial Scholarship in accordance with the criteria established pursuant to this section.

5. To the extent of available money in the account established pursuant to NRS 396.940, the annual Memorial Scholarship may be awarded to each selected recipient in an amount not to exceed \$5,000 to pay the educational expenses of the recipient for the school year which are authorized by subsection 6 and which are not otherwise paid for by the Millennium Scholarship awarded to the recipient.

6. A Memorial Scholarship must be used only:

(a) For the payment of registration fees and laboratory fees and expenses;

(b) To purchase required textbooks and course materials; and

(c) For other costs related to the attendance of the student at the academic institution in which he or she is enrolled.

7. As used in this section, "Board" means the Board of Trustees of the College Savings Plans of Nevada created by NRS 353B.005.

Sec. 27.93. NRS 396.952 is hereby amended to read as follows:

396.952 1. The Silver State Opportunity Grant Program is hereby created for the purpose of awarding grants to eligible students to pay for a portion of the cost of education at a community college or state college within the System.

2. The Board of Regents shall administer the Program.

3. In administering the Program, the Board of Regents shall for each semester, subject to the limits of money available for this purpose, award a grant to each eligible student to pay for a portion of the cost of education at a community college or state college within the System.

4. To be eligible for a grant awarded under the Program, a student must:

(a) Except as otherwise provided in this section, be enrolled, or accepted to be enrolled, during a semester in at least 12 credit hours at a community college or state college within the System;

(b) Be enrolled in a program of study leading to a recognized degree or certificate;

(c) Demonstrate proficiency in English and mathematics sufficient for placement into college-level English and mathematics courses pursuant to regulations adopted by the Board of Regents for such placement;

(d) Be a bona fide resident of the State of Nevada for the purposes of determining pursuant to NRS 396.540 whether the student is assessed a tuition charge, ~~or~~ or have graduated from a high school located in this State; and

(e) ~~Complete~~ Except as otherwise provided in subsection 6, complete the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090.

5. A student who is enrolled, or accepted to be enrolled, in the final semester of his or her program of study in less than 12 credit hours at a community college or state college within the System is eligible for a grant awarded under the Program.

6. To the extent money is available, the Board of Regents may prescribe an alternative determination for financial aid for a student who is prohibited by law from completing the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090 pursuant to paragraph (e) of subsection 4. If the Board of Regents prescribes an alternative determination for financial aid, a student who is prohibited by law from completing the Free Application for Federal Student Aid shall complete the alternative determination for each semester of participation in the Program on or before the deadline prescribed by the Board of Regents.

Sec. 27.95. NRS 396.956 is hereby amended to read as follows:

396.956 1. The Board of Regents:

(a) Shall adopt regulations prescribing the procedures and standards for determining the eligibility of a student for a grant from the Program.

(b) Shall adopt regulations prescribing the methodology by which the Board of Regents or a designee thereof will calculate:

(1) The cost of education of a student at each community college and state college within the System, which must be consistent with the provisions of 20 U.S.C. § 10871l.

(2) For each student, the amounts of the student contribution, family contribution and federal contribution to the cost of education of the student.

(3) The maximum amount of the grant for which a student is eligible.

(c) Shall adopt regulations prescribing the process by which each student may meet the credit-hour requirement described in NRS 396.952 for eligibility for a grant awarded under the Program.

(d) May adopt any other regulations necessary to carry out the Program.

2. The regulations prescribed pursuant to this section must provide that:

(a) In determining the student contribution to the cost of education, the student contribution must not exceed the amount that the Board of Regents determines the student reasonably could be expected to earn from employment during the time the student is enrolled at a community college or state college within the System, including, without limitation, during breaks between

semesters. This paragraph and any regulations adopted pursuant to this section must not be construed to require a student to seek or obtain employment as a condition of eligibility for a grant under the Program.

(b) Determination of the family contribution to the cost of education must be based on the family resources reported in the Free Application for Federal Student Aid or, if the student is prohibited by law from completing the Free Application for Federal Student Aid and the Board of Regents prescribes an alternative determination for financial aid pursuant to subsection 6 of NRS 396.952, the alternative determination for financial aid submitted by the student.

(c) Determination of the federal contribution to the cost of education must be equal to the total amount that the student and his or her family are expected to receive from the Federal Government as grants.

Sec. 27.97. NRS 396.9665 is hereby amended to read as follows:

396.9665 1. To be eligible to receive a Nevada Promise Scholarship, a student must:

(a) Be a bona fide resident of this State, as construed in NRS 396.540 ~~or~~, or have graduated from a high school located in this State.

(b) Have not previously been awarded an associate's degree or bachelor's degree.

(c) Have obtained a high school diploma awarded by a public or private high school located in this State or public high school that is located in a county that borders this State and accepts pupils who are residents of this State or have successfully completed the high school equivalency assessment selected by the State Board pursuant to NRS 390.055 before 20 years of age.

(d) Complete the application for the Nevada Promise Scholarship Program in accordance with the regulations prescribed by the Board of Regents.

(e) Complete the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090 or, if the student is prohibited by law from completing the Free Application for Federal Student Aid, an alternative determination for financial aid prescribed by the Board of Regents for each academic year of participation in the Program on or before the deadline prescribed by the Board of Regents.

(f) Before enrolling in a community college, participate in one training meeting related to financial aid, the Free Application for Federal Student Aid and college orientation, as prescribed by the Board of Regents by regulation.

(g) Have met at least once with a mentor assigned to the student through the mentoring program established by the Board of Regents pursuant to NRS 396.965 before the first semester of enrollment at a community college and at least twice for each academic year while participating in the Program.

(h) Complete at least 8 hours of community service during the last year of high school and before the first semester of enrollment at a community college and at least 8 hours of community service each semester thereafter, not including summer academic terms, while participating in the Program. Community service performed to satisfy the requirements of this paragraph

must not include religious proselytizing or service for which the student receives any type of compensation or which directly benefits a member of the family of the student.

(i) Submit all information deemed necessary by the Board of Regents to determine the student's eligibility for gift aid.

(j) Except as otherwise provided in subsection 2, be enrolled in at least 12 semester credit hours in a program of study leading to a recognized degree or certificate at a community college for the fall semester of the academic year immediately following the school year in which the student was awarded a high school diploma or have successfully completed the high school equivalency assessment selected by the State Board pursuant to NRS 390.055.

(k) Except as otherwise provided in subsection 2 and this paragraph, be enrolled in at least 12 semester credit hours in a program of study leading to a recognized degree or certificate at a community college for each fall semester and spring semester beginning with the first semester for which the student received a Nevada Promise Scholarship, not including summer academic terms. A student who is on schedule to graduate at:

(1) The end of a semester may enroll in the number of semester credit hours required to graduate.

(2) The end of a fall semester is not required to enroll in credit hours for the spring semester.

(l) Meet satisfactory academic progress, as defined by federal requirements established pursuant to Title IV of the Higher Education Act of 1965, 20 U.S.C. §§ 1001 et seq., and determined by the community college in which the student is enrolled.

2. The Board of Regents shall establish criteria with respect to students who have a documented physical or mental disability or who were previously subject to an individualized education program under the Individuals with Disabilities Act, 20 U.S.C. §§ 1400 et seq., or a plan under Title V of the Rehabilitation Act of 1973, 29 U.S.C. §§ 791 et seq. The criteria must provide an exemption for those students from:

(a) The limitation on eligibility for a Nevada Promise Scholarship set forth in paragraph (b) of subsection 3; and

(b) The minimum number of credits prescribed in paragraphs (j) and (k) of subsection 1.

3. A student who meets the requirements of subsection 1 is eligible for a Nevada Promise Scholarship from the Program until the occurrence of the first of the following events:

(a) The student is awarded an associate's degree or bachelor's degree; or

(b) Except as otherwise provided in subsection 2, the student receives a Nevada Promise Scholarship from the Program for 2 academic years, not including the initial academic year.

Sec. 27.99. NRS 396.968 is hereby amended to read as follows:

396.968 1. The Board of Regents shall award Nevada Promise Scholarships in accordance with this section to students who are enrolled at a

community college and are eligible to receive such scholarships under the provisions of NRS 396.9665.

2. For each eligible student, the Board of Regents shall:

(a) Calculate the maximum amount of a Nevada Promise Scholarship which the student is eligible to receive based on criteria established by regulation pursuant to this section.

(b) Determine the actual amount of the Nevada Promise Scholarship, if any, which will be awarded to the student, which must not exceed the maximum amount calculated pursuant to paragraph (a), but which may be in a lesser amount if the Board of Regents receives notice from the State Treasurer pursuant to subsection 3 that the money available in the Nevada Promise Scholarship Account for any semester is insufficient to award to all eligible students the maximum amount of a Nevada Promise Scholarship which each student is eligible to receive.

(c) If the student is to receive a Nevada Promise Scholarship, award the student a Nevada Promise Scholarship in the amount determined pursuant to paragraph (b). The Board of Regents shall disburse the amount of the Nevada Promise Scholarship awarded to the student, on behalf of the student, directly to the community college in which the student is enrolled.

3. The Board of Regents shall submit a request for a disbursement from the Nevada Promise Scholarship Account created by NRS 396.9645 for the maximum amount of money that will be required to fund a scholarship for each eligible student. Within the limits of money available in the Nevada Promise Scholarship Account, the State Treasurer shall disburse the amount requested to the Board of Regents for disbursement to each community college. If there is insufficient money in the Account to disburse that amount to each community college, the State Treasurer shall provide notice that insufficient money remains in the Nevada Promise Scholarship Account to the Board of Regents. The State Treasurer shall include in the notice the amount of money available for the award of Nevada Promise Scholarships for the academic year and request that a new request be submitted.

4. The Board of Regents shall adopt regulations prescribing:

(a) The criteria for determining the maximum amount of a Nevada Promise Scholarship for an eligible student which is equal to the difference between the amount of the registration fee and other mandatory fees charged to the student by the community college in which the student is enrolled for the academic year, excluding any amount of those fees that is waived by the community college in which the student is enrolled, and the total amount of any other gift aid received by the student for the academic year.

(b) The procedures for submitting a request for disbursement from the Nevada Promise Scholarship Account.

(c) The procedures and standards for determining the actual amount of the Nevada Promise Scholarship which will be awarded to each student upon receiving notice that there is insufficient money to award all eligible students

the maximum amount of the scholarship which each student is eligible to receive. Such procedures and standards ~~are~~

~~(1) Must prohibit the Board of Regents from awarding any money to a student who is prohibited by law from completing the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090 unless all students who have completed the Free Application for Federal Student Aid have been awarded the maximum amount calculated pursuant to paragraph (a) of subsection 2; and~~

~~(2) May~~ *may* include, without limitation, administration of the program on a first-come, first-served basis for all students who ~~have completed the Free Application for Federal Student Aid and~~ are ~~otherwise~~ eligible to participate in the Program.

(d) Procedures to ensure that all money from a Nevada Promise Scholarship awarded to a student that is refunded in whole or in part for any reason is refunded to the Nevada Promise Scholarship Account and not the student.

Sec. 28. NRS 49.2545 is hereby amended to read as follows:

49.2545 "Victim's advocate" means a person who works for a nonprofit program, a program of a university, state college or community college within the Nevada System of Higher Education or a program of a tribal organization which provides assistance to victims *or who provides services to a victim of an alleged incident of sexual misconduct pursuant to sections 2 to 27, inclusive, of this act* with or without compensation and who has received at least 20 hours of relevant training.

Sec. 28.5. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105,

281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207, 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325, 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873,

685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *sections 12.5, 14, 15 and 25 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

(a) The public record:

- (1) Was not created or prepared in an electronic format; and
- (2) Is not available in an electronic format; or

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

- (1) Give access to proprietary software; or
- (2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

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

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

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

Sec. 28.6. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.467, 394.1699, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, and section 12.5 of this act, which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

↪ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 28.7. Chapter 353B of NRS is hereby amended by adding thereto a new section to read as follows:

A prepaid tuition program or college savings program established pursuant to this chapter must not prohibit a person or his or her family from participating in such a program based solely on the immigration or citizenship status of the person or his or her family.

Sec. 29. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 30. 1. This section becomes effective upon passage and approval.

2. Section 12 of this act becomes effective upon passage and approval for the purpose of appointing members to the Task Force on Sexual Misconduct at Institutions of Higher Education and on July 1, 2021, for all other purposes.

3. Sections 1 to 11, inclusive, and 12.5 to ~~20,~~ 29, inclusive, of this act become effective on July 1, 2021.

Senator Denis moved that the Senate concur in Assembly Amendment No. 868 to Senate Bill No. 347.

Motion carried by a constitutional majority.

Bill ordered enrolled.

GENERAL FILE AND THIRD READING

Assembly Bill No. 492.

Bill read third time.

Remarks by Senator Kieckhefer.

Assembly Bill No. 492 provides for the implementation of the 2021 Capital Improvement Program as approved by the money Committees. The bill includes funding in the amount of \$413.1 million for the Capital Improvement Program, \$75 million to launch the State Infrastructure Bank and \$44 million for resource conservation and preservation programs of the State.

Roll call on Assembly Bill No. 492:

YEAS—17.

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

Assembly Bill No. 492 having received a two-thirds majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Madam President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 11:53 p.m.

SENATE IN SESSION

At 11:57 p.m.

President Marshall presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Madam President appointed Senators Denis, Donate and Kieckhefer as a Committee to wait upon the Assembly and to inform that honorable Body that the Senate is ready to adjourn *sine die*.

Madam President appointed Senators Hardy, Dondero Loop and Lange as a Committee to wait upon His Excellency, Steve Sisolak, Governor of the State of Nevada, and to inform him that the Senate is ready to adjourn *sine die*.

A Committee from the Assembly composed of Assemblywomen Monroe-Moreno and Titus and Assemblyman Yeager appeared before the bar of the Senate and announced that the Assembly is ready to adjourn *sine die*.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 31, 2021

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 165, 233, 267, 276, 287, 291, 341, 356, 366, 367, 377, 390, 397, 455, 463.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 787 to Assembly Bill No. 37; Senate Amendment No. 862 to Assembly Bill No. 219; Senate Amendment No. 842 to Assembly Bill No. 241; Senate Amendment No. 617 to Assembly Bill No. 266; Senate Amendment No. 843 to Assembly Bill No. 280; Senate Amendment No. 839 to Assembly Bill No. 321; Senate Amendments Nos. 834, 863 to Assembly Bill No. 341; Senate Amendment No. 861 to Assembly Bill No. 349; Senate Amendment No. 840 to Assembly Bill No. 355; Senate Amendment No. 847 to Assembly Bill No. 363; Senate Amendments Nos. 775, 851 to Assembly Bill No. 393; Senate Amendment No. 825 to Assembly Bill No. 441.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 410, 451, 459; Assembly Bills Nos. 40, 45, 66, 67, 121, 148, 153, 211, 326, 330, 335, 342, 366, 374, 385, 405, 426, 444, 451, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 465, 466, 467, 469, 470, 474, 475, 477, 480, 482, 484, 485, 495.

Madam President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 12:02 p.m.

SENATE IN SESSION

At 12:09 p.m.

President Marshall presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Denis reported that his Committee has informed the Assembly that the Senate is ready to adjourn, *sine die*.

Senator Hardy reported that his Committee has informed the Governor that the Senate is ready to adjourn, *sine die*.

Senator Cannizzaro moved that the 81st Session of the Senate of the Legislature of the State of Nevada adjourn, *sine die*.

Motion carried.

Senate adjourned *sine die* at 12:10 a.m.

Approved:

KATE MARSHALL

President of the Senate

Attest: CLAIRE J. CLIFT

Secretary of the Senate